Mr. SCHWABE of Missouri asked and as given permission to extend his remarks in the RECORD.

Mr. BULWINKLE (at the request of Mr. SPARKMAN) was given permission to extend his remarks in the RECORD and include an address by General Devers.

Mr. SPARKMAN asked and was given permission to extend his remarks in the RECORD and include a statement before the House Committee on Ways and Means by Mrs. Loula Dunn, president of the American Public Welfare Association.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted, as follows:

To Mr. LECOMPTE (at the request of Mr. GWYNNE of Iowa), for 1 week, on account of death in the family.

To Mr. FERNANDEZ, for a period beginning May 20 and ending June 5, on account of official business.

To Mr. CLASON (at the request of Mr. MARTIN of Massachusetts), for 1 week, on account of illness in his family.

ADJOURNMENT

Mr. SPARKMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 55 minutes p. m.), pursuant to its previous order, the House adjourned until Monday, May 20, 1946, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE JUDICIARY

The Special Subcommittee on Bankruptcy and Reorganization of the Committee on the Judiciary has scheduled a public hearing on the bill (H. R. 4307) to amend sections 81, 82, 83, and 84 of chapter IX of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended. The hearing will be held in the Judiciary Committee room, 346 House Office Building, and will begin at 10 a. m. on Friday, May 24, 1946.

COMMITTEE ON PATENTS

The Committee on Patents will begin hearings Tuesday, June 4, 1946, at 10 a. m., in the Patents Committee room, 416 House Office Building, on the following bills:

H. R. 3694 (Hartley): A bill to declare the national policy regarding the test for determining invention.

H. R. 5842 (Boykin): A bill fixing the date of the termination of World War II, for special purposes.

H. R. 5940 (Lanham): A bill to make Government-owned patents freely available for use by citizens of the United States, its Territories, and possessions.

These hearings will be continued on succeeding days until concluded or until this notice is superseded.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1310. A letter from the Attorney General, transmitting a draft of a proposed bill to amend the act providing for the appointment of court reporters; to the Committee on the Judiciary.

1311. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated April 8, 1946, submitting a report, together with accompanying papers and an illustration, on a review of reports on the Mississippi River with a view to determining if additional improvement, including a small-boat harbor, is advisable at Hastings, Minn., requested by a resolution of the Committee on Rivers and Harbors of the House of Representatives, adopted on January 3, 1945 (H. Doc. No. 599); to the Committee on Rivers and Harbors and ordered to be printed, with one illustration.

1312. A letter from the Attorney General, transmitting a draft of a proposed bill to amend the act to provide for the issuance of devices in recognition of the services of merchant sailors; to the Committee on the Merchant Marine and Fisheries.

1313. A communication from the President of the United States, transmitting an estimate of appropriation for the fiscal year 1946 in the amount of $92,500,000, for the War Department, for cemeterial expenses (H. Doc. No. 597); to the Committee on Appropriations and ordered to be printed.

1314. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1947 in the amount of $45,400 and a proposed provision pertaining to an existing appropriation for the Treasury Department (H. Doc. No. 598); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOYKIN: Committee on Accounts. House Resolution 624. Resolution providing additional funds for the Committee on Un-American Activities; without amendment (Rept. No. 2073). Referred to the House Calendar.

Mr. FLANNAGAN: Committee on Agriculture. H. R. 6459. A bill to extend the period within which the Secretary of Agriculture may carry out the purposes of the Soil Conservation and Domestic Allotment Act by making payments to agricultural producers; without amendment (Rept. No. 2074). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FLANNAGAN:

H. R. 6477. A bill to amend section 32 of the Emergency Farm Mortgage Act of 1933, as amended, and section 3 of the Federal Farm Mortgage Corporation Act, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. CAMPBELL:

H. R. 6478. A bill to protect the people from interference with the movement of the mails and interstate commerce; to the Committee on the Judiciary.

By Mr. CANNON of Florida:

H. R. 6479. A bill to incorporate the Military Pilots Association; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN of New York:

H. R. 6480. A bill for the relief of Nicholas Malitch; to the Committee on Immigration and Naturalization.

H. R. 6481. A bill for the relief of Markoto Iwamatsu; to the Committee on Immigration and Naturalization.

By Mr. DWORSHAK:

H. R. 6482. A bill for the relief of Ralph A. Parker and Mrs. Hilda J. Parker; to the Committee on Claims.

By Mr. McDONOUGH:

H. R. 6483. A bill for the relief of Bernice Green; to the Committee on Claims.

By Mr. TALBOT:

H. R. 6484. A bill for the relief of Helen M. Crowley; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1892. By Mr. LUTHER A. JOHNSON: Petition of C. W. Brown, manager, Ennis Motor Co., Ennis, Tex., opposing exemption of co-ops from taxation; to the Committee on Ways and Means.

1893. By Mr. SMITH of Wisconsin: Petition of members of the Winnebago Association of Congregational Churches, which met at Clintonville, Wis., on April 30, 1946, regarding their position on the present food situation and wide starvation existing in Europe and Asia; to the Committee on Foreign Affairs.

1894. Also, petition of members of the Winnebago Association of Congregational Churches, which met at Clintonville, Wis., on April 30, 1946, regarding their position on release of men and women with 18 months or more of service in the armed services; to the Committee on Military Affairs.

1895. By the SPEAKER: Petition of the Pontiac City Commission, petitioning consideration of their resolution with reference to endorsement of Senate bill 1592; to the Committee on Banking and Currency.

1896. Also, petition of various Townsend Clubs in Ohio, petitioning consideration of their resolution with reference to endorsing House bills 2229 and 2230; to the Committee on Ways and Means.

SENATE

MONDAY, MAY 20, 1946

(Legislative day of Tuesday, March 5, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Norman L. Trott, minister, First Methodist Church, Brunswick, Md., offered the following prayer:

Our Father who art in Heaven, we, Thy children of the earth, bow before Thee this morning.

As we bow our heads, may our hearts be bowed in gratitude for all Thy gifts and our wills be bent in submission to the wisdom of Thy way.

Be with our Nation, O God, in these days of testing.

Help us to know Thy will and to do it, that we may share in Thy plan for the

world's redemption in this day of its great need. Give us a sense of our mission to share in the world's hunger for bread and make us mindful of the hidden hungers of the heart, for "man shall not live by bread alone."

Grant unto management and labor alike the desire to act in justice and to live by the Golden Rule; and guide us in our world relationships to walk the way of the Prince of Peace.

To this end, be with those in positions of authority, and we pray that they may, in turn, be responsive to Thy will. Especially do we pray this for these Thy servants, to whom in large measure has been committed the destiny of this Nation. Uphold them by faith and spirit and direct them in all their ways. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, May 18, 1946, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on May 18, 1946, the President had approved and signed the act (S. 1955) to authorize the Commissioners of the District of Columbia to provide necessary utilities for veterans' housing furnished and erected by the National Housing Administrator.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 6429. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1947, and for other purposes; and

H. J. Res. 353. Joint resolution extending the time for the release of powers of appointment for the purposes of certain provisions of the Internal Revenue Code.

ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the bill (S. 1415) to increase the rates of compensation of officers and employees of the Federal Government, and for other purposes, and it was signed by the Acting President pro tempore.

LEAVE OF ABSENCE

Mr. MAYBANK. Mr. President, I ask unanimous consent to be absent from the Senate for the remainder of the week because of illness in the family.

I might say in this connection that I voted to bring the pending legislation before the Senate; I would vote for it if I were here, and I trust that the able secretary to the majority will be able to get a pair for me in favor of the pending bill.

The ACTING PRESIDENT pro tempore (Mr. GEORGE). Without objection, leave is granted the Senator from South Carolina.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	Overton
Andrews	Hawkes	Pepper
Austin	Hayden	Radcliffe
Ball	Hickenlooper	Reed
Bankhead	Hill	Revercomb
Barkley	Hoey	Robertson
Briggs	Huffman	Saltonstall
Brooks	Johnson, Colo.	Smith
Buck	Johnston, S. C.	Stanfill
Bushfield	Kilgore	Stewart
Byrd	Knowland	Taft
Capehart	La Follette	Taylor
Capper	Langer	Thomas, Okla.
Connally	Lucas	Thomas, Utah
Cordon	McCarran	Tunnell
Donnell	McClellan	Tydings
Downey	McFarland	Vandenberg
Eastland	McMahon	Wagner
Ellender	Magnuson	Walsh
Ferguson	Maybank	Wheeler
Fulbright	Millikin	Wherry
George	Moore	White
Gerry	Murdock	Wiley
Green	Murray	Wilson
Gurney	Myers	Young
Hart	O'Mahoney	

Mr. HILL. I announce that the Senator from North Carolina [Mr. BAILEY] and the Senator from Virginia [Mr. GLASS] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from Nevada [Mr. CARVILLE], and the Senator from Idaho [Mr. GOSSETT] are absent by leave of the Senate.

The Senator from Tennessee [Mr. MCKELLAR] and the Senator from Georgia [Mr. RUSSELL] are necessarily absent.

The Senator from New York [Mr. MEAD] is absent because of a death in his family.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Washington [Mr. MITCHELL], and the Senator from Texas [Mr. O'DANIEL] are detained on public business.

Mr. WHERRY. The Senator from Nebraska [Mr. BUTLER] and the Senator from Minnesota [Mr. SHIPSTEAD] are absent by leave of the Senate.

The Senator from New Hampshire [Mr. TOBEY] is absent on official business.

The Senator from Maine [Mr. BREWSTER], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Oregon [Mr. MORSE], and the Senator from Indiana [Mr. WILLIS] are necessarily absent.

The ACTING PRESIDENT pro tempore. Seventy-seven Senators having answered to their names, a quorum is present.

REPORT OF GOVERNOR OF THE PANAMA CANAL

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Interoceanic Canals:

(For President's message, see today's proceedings of the House of Representatives on p. 5282.)

RELIEF FOR WORLD WAR II FILIPINO VETERANS AND THEIR DEPENDENTS

The ACTING PRESIDENT pro tempore laid before the Senate the following communication from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Finance:

THE WHITE HOUSE,
Washington, May 18, 1946.

The PRESIDENT OF THE SENATE PRO TEMPORE.

SIR: I am transmitting, with request for its early introduction and consideration, a bill to provide for the Philippine veterans:

First. Hospitalization, including medical care, for service-connected disability;

Second. Pensions for service-connected disability and death, on a peso-for-dollar basis; and

Third. Appropriate burial and funeral allowance.

The bill also contains general administrative and penal provisions, as well as a provision authorizing hospital care and medical treatment in the Philippine Islands for American veterans residing there.

Under the legislation proposed, the Philippine veteran would have restored to him some of the veterans' benefits which were taken from him by the First Supplemental Surplus Appropriation Rescission Act, 1946, due, doubtless, in part at least, to the impracticability from an administrative viewpoint of applying to Philippine veterans the Servicemen's Readjustment Act and the need for adapting to Philippine conditions the benefits provided by that act.

The standing Philippine Army was made a part of the armed forces of the United States by the President's order of July 26, 1941. Certain guerrillas, who so courageously carried on the war against the enemy after the fall of the Philippines, were recognized as members of the Philippine Army, hence a part of the Army of the United States.

The record of the Philippine soldiers for bravery and loyalty is second to none. Their assignment was as bloody and difficult as any in which our American soldiers engaged. Under desperate circumstances they acquitted themselves nobly.

There can be no question but that the Philippine veteran is entitled to benefits bearing a reasonable relation to those received by the American veteran, with whom he fought side by side. From a practical point of view, however, it must be acknowledged that certain benefits granted by the GI bill of rights cannot be applied in the case of the Philippine veteran. The agencies which prepared the proposed bill have recognized this fact and have dealt with the legislation on a practical basis, including only that which is susceptible of proper administration. While its enactment will not

cure in toto the present discrimination against the Philippine veteran, the proposed legislation constitutes all that is practicable at the present time, and it will clearly indicate to the Filipinos that it is the purpose of the United States Government to do justice to their veterans. More important, it will provide the help so direly needed by many Filipinos who served our cause with unwavering devotion in the face of bitter hardship and wanton cruelty.

I am directing the Veterans' Administration, the War Department, and the High Commissioner to the Philippines to give consideration to a practicable method of providing some educational opportunity for the Philippine veteran and of assuring, so far as possible, employment for him. If these additional benefits can be put into effect, it is my view, as well as the view of those interested, that substantial justice will have been done the Philippine veteran and the existing discrimination against him removed.

The proposed legislation has the full endorsement of the Veterans' Administration, the War Department, and the High Commissioner to the Philippines. I urge upon you its early enactment.

I am also writing to the Speaker of the House, forwarding another copy of the proposed bill.

Very sincerely yours,

HARRY S. TRUMAN.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

FEBRUARY 1946 REPORT OF RECONSTRUCTION FINANCE CORPORATION

A letter from the Chairman of the Reconstruction Finance Corporation, transmitting, pursuant to law, a report of the activities and expenditures of the Corporation for the month of February 1946 (with an accompanying report); to the Committee on Banking and Currency.

SMALL BUSINESS ACTIVITIES—REPORT OF RECONSTRUCTION FINANCE CORPORATION AND SMALLER WAR PLANTS CORPORATION

A letter from the Chairman of the Reconstruction Finance Corporation, transmitting, pursuant to Executive Order 9665, dated December 27, 1945, and to section 5 of Public Law 603, Seventy-seventh Congress, the first bimonthly report of the Reconstruction Finance Corporation small business activities during the period February 1 to March 31, 1946, including report of certain lending functions exercised until January 28, 1946, by the Smaller War Plants Corporation, and covering small business activities of the two corporations for the interim period January 28 to January 31, 1946, inclusive (with accompanying papers); to the Committee on Banking and Currency.

LAWS PASSED BY THE LEGISLATIVE ASSEMBLY OF THE VIRGIN ISLANDS

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of legislation passed by the Legislative Assembly of the Virgin Islands (with accompanying papers); to the Committee on Territories and Insular Affairs.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A resolution adopted by the board of directors of the National Reclamation Association, in meeting at Salt Lake City, Utah, protesting against appropriating $23,323,000 for the purpose of continuing the Southwestern Power Administration; to the Committee on Appropriations.

Petitions of sundry citizens of Davenport and Betterdorf, Iowa, and Cranford, N. J., praying for the continuation of the Office of Price Administration; to the Committee on Banking and Currency.

A petition signed by sundry members of the Long Island Chapter, Union for Democratic Action, New York, praying for the continuation of the Office of Price Administration without crippling amendments; to the Committee on Banking and Currency.

A letter in the nature of a petition from the Moorish Science Temple, Brooklyn, N. Y., signed by Richard Scott-Bey, D. M. and Rep., relating to the renationalization of the people of African descent; to the Committee on Foreign Relations.

A resolution adopted by the American Academy of Arts and Sciences, Boston, Mass., favoring an increase in the amount of wheat, milk, and fats for shipment to the starving people in Europe and Asia; to the Committee on Foreign Relations.

A resolution adopted by the general assembly of the Universalist Church of America held in Akron, Ohio, relating to the atomic bomb; to the Special Committee on Atomic Energy.

A resolution adopted by the American Whig-Cliosophic Society, Princeton University, New Jersey, expressing appreciation to the Senate for the passage of the joint resolution (S. J. Res. 148) to authorize suitable participation by the United States in the observance of the two hundredth anniversary of the founding of Princeton University; ordered to lie on the table.

The memorial from Mrs. Lester Denton, of Pueblo, Colo., remonstrating against the enactment of legislation to continue the draft; ordered to lie on the table.

Petitions of several citizens of New York, N. Y., praying for the prompt enactment of legislation to provide settlement of labor disputes; ordered to lie on the table.

A telegram in the nature of a petition from the New York State Waterways Association, Inc., signed by J. Frank Belford, president, New York, N. Y., praying for the enactment of legislation to curb strikes; ordered to lie on the table.

By Mr. McCLELLAN:

A petition signed by L. M. Keeling, pastor, and sundry members of the First Baptist Church, of Judsonia, Ark., praying for the enactment of legislation to guarantee religious liberty on the radio; to the Committee on Interstate Commerce.

OFFICE OF PRICE ADMINISTRATION—PETITION AND MEMORIAL

Mr. WALSH. Mr. President, a delegation of citizens of Springfield, Mass., headed by Prof. Dallas Lore Sharp, Jr., and including Michael Fiorento, John Jekot, Joseph Spellman, and Edwin Moffat, presented to me a petition containing approximately 25,000 names praying for the continuation of the OPA without crippling amendments and a memorial with 35 names in opposition to the continuation of the OPA. This delegation informed me that for 3 days in the heart of the city of Springfield a booth was set up inviting people to express themselves, and petitions of pro and con were available for signatures. The committee who arranged for obtaining these signatures was composed of representatives of civic, labor, fraternal, religious, and veterans' organizations—in fact, it was a cross-current of the population of the city of Springfield.

I ask unanimous consent to present the petition and memorial and that they be referred to the Committee on Banking and Currency.

The ACTING PRESIDENT pro tempore. Without objection, the petition and memorial will be received and referred to the Committee on Banking and Currency, as requested by the Senator from Massachusetts.

REPORT OF COMMITTEE ON EDUCATION AND LABOR

Mr. MURRAY, from the Committee on Education and Labor, to which was referred the bill (H. R. 5796) to amend title II of the act entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," approved October 14, 1940, as amended, to permit the making of contributions, during the fiscal year ending June 30, 1947, for the maintenance and operation of certain school facilities, and for other purposes, reported it without amendment, and submitted a report (No. 1364) thereon.

NATIONAL INSTITUTE OF DENTAL RESEARCH—REPORT OF COMMITTEE ON EDUCATION AND LABOR

Mr. MURRAY. Mr. President, from the Committee on Education and Labor, I have the honor to ask unanimous consent to report favorably, with an amendment, Senate bill 190, to provide for, foster, and aid in coordinating research relating to dental diseases and conditions, to establish the National Institute on Dental Research; and for other purposes, and I submit a report (No. 1363) thereon.

The ACTING PRESIDENT pro tempore. Without objection, the report will be received, and the bill will be placed on the calendar.

Mr. MURRAY. Mr. President, I read from the report:

Hearings were held on the bill on June 26, 27, and 28. All individuals and organizations who wished to be heard on the proposal were given an opportunity to testify. The subcommittee heard testimony by the Surgeon General of the United States Public Health Service, officers of the American Dental Association, many outstanding authorities in the dental-health field, the National Congress of Parents and Teachers and representatives of many consumer and labor organizations. Moreover, statements were solicited and received from a large number of individuals and groups with special knowledge or interest in the subject. Sentiment was virtually unanimous in favor of the bill.

There is no reliable estimate of the amount of funds devoted to dental research, but in comparison to the magnitude of the problem the amounts spent are negligible. The largest expenditure for this purpose is made by the National Institute of Health of the

United States Public Health Service, and this is only about $50,000 a year.

Outstanding dental scientists testified at the hearings that dental research, if adequately financed, might reasonably be expected to find means of combating dental decay, and thus reducing substantially the ravages of this almost universal disease. Indeed, the only hope of successful attack upon the problem, given the present lack of dental personnel, lies in finding the cause of dental caries. Once the cause is found, means of preventing the disease can be devised.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HOEY:

S. 2218. A bill to amend the District of Columbia Alley Dwelling Act, approved June 12, 1934, as amended; and

S. 2219. A bill to extend for the period of 1 year the provisions of the District of Columbia Emergency Rent Act, approved December 2, 1941, as amended; to the Committee on the District of Columbia.

ORJA L. SUTLIFF

Mr. ANDREWS submitted the following resolution (S. Res. 270), which, with the accompanying papers, was referred to the Committee To Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Orja L. Sutliff for services rendered in the office of Senator CHARLES O. ANDREWS while on terminal military leave from September 10 to October 31, 1945, in accordance with the provisions of Public Law No. 226, Seventy-ninth Congress, approved November 21, 1945, $840.34.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated:

H. R. 5560. An act to fix the rate of postage on domestic air mail, and for other purposes; to the Committee on Post Offices and Post Roads.

H. R. 6429. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1947, and for other purposes; to the Committee on Appropriations.

H. J. Res. 353. Joint resolution extending the time for the release of powers of appointment for the purposes of certain provisions of the Internal Revenue Code; to the Committee on Finance.

CRISIS IN BEEF—EDITORIAL FROM THE NEW YORK TIMES

Mr. HICKENLOOPER. Mr. President, this morning there appeared in the New York Times a very interesting editorial clearly recognizing the fact that about 75 percent of the Nation's beef at retail levels has now gone into the black market and is contracted through the black market. I ask unanimous consent that this editorial be printed at this point as a part of my remarks. Otherwise, I shall be glad to read it to the Senate.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CRISIS IN BEEF

With about 75 percent of the Nation's beef at retail levels having passed to the control of black marketers, the time is at hand when definite steps should be taken to restore that essential product to legitimate channels of trade if one of the world's finest food distributing systems is not to be damaged irreparably. To supply the country with adequate supplies of fresh beef a vast and complicated system has evolved. It includes the range where the cattle are bred, the feedlot operator who produces about two-thirds of the meat sold by the retail butcher, and the packer with his fleet of refrigerator cars and numerous branches through which the beef is distributed to retail outlets.

Now under the impact of rulings by the Office of Price Administration this system is being shattered. The range still is operating at capacity. But the feed-lot operator cannot operate profitably at the ceiling price. He is either out of business or selling the cattle he feeds above the ceiling in the black market. The old-line packer is able to buy only a fraction of the cattle needed at the ceiling and is processing only about 25 percent of the former quantity of beef. This 25 percent is the only beef over which OPA now has any control.

When controls were first being considered, the meat industry was fearful of just such developments. There was no shortage at that time. In fact, an artificial shortage through legitimate channels was created by the initial restrictive measures that OPA put into effect. Moreover, immediately OPA assumed control over meat, the black market started to function. Since then it has expanded steadily. Today OPA has control of no more than 25 percent of the beef reaching retail outlets.

It is improbable that OPA ever will be able to recover the control it has already lost. From past experience with prohibition, it is doubtful if control could be recovered even with the establishment of a huge policing force costing millions of dollars. It is problematical, in fact, with black marketers now so well entrenched, whether OPA will be able to retain even the slight hold it now has. Meanwhile the Nation's health is being imperiled by the increasing quantities of insanitary beef from black markets.

This is why many of those who have studied the meat problem now believe that the only solution lies in eliminating meat controls so that free competitive forces can again assert themselves. In that way, they argue, the makeshift operators soon would be eliminated and meat returned to normal distributing channels. Since operations through legitimate channels would be more efficient, they believe that prices would adjust themselves at lower levels than those now being paid for the greater part of the meat that is available.

POSTHUMOUS AWARD TO THE LATE PRESIDENT ROOSEVELT FOR CONTRIBUTION TO AMERICAN-SOVIET FRIENDSHIP—ADDRESS BY SENATOR PEPPER

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an address delivered by him at a dinner of the American-Russian Institute at which was bestowed an award posthumously upon the late President Franklin D. Roosevelt for his contribution to American-Soviet friendship, which appears in the Appendix.]

THE WASHINGTON SCENE, 1946—ADDRESS BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD an address delivered by him on the subject The Washington Scene, 1946, on May 19, 1946, before the Wisconsin Bakers' Association, Inc., at the Milwaukee Auditorium, Milwaukee, Wis., which appears in the Appendix.]

WORLD FOOD ORGANIZATION—ADDRESS BY HERBERT HOOVER

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an address on the subject of a new world food organization needed, delivered by Hon. Herbert Hoover, before the Food and Agricultural Organization of the United Nations, May 20, 1946, which appears in the Appendix.]

ADDRESS TO ILLINOIS AMVET CONVENTION BY NATIONAL COMMANDER JACK W. HARDY

[Mr. KNOWLAND asked and obtained leave to have printed in the RECORD an address delivered by Jack W. Hardy, of Los Angeles, national commander of Amvets, of the American Veterans of World War II, at the second annual State convention of the Illinois State department, in Chicago, Ill., May 4, 1946, which appears in the Appendix.]

THE COAL STRIKE—EDITORIAL COMMENT

[Mr. BYRD asked and obtained leave to have printed in the RECORD three editorials relating to the coal strike, one from the News-Leader of Richmond, Va., of May 15, 1946; one from the News of Lynchburg, Va., of May 15, 1946; and one from the News of Washington, D. C., of May 16, 1946, which appear in the Appendix.]

SAFE WORKING CONDITIONS IN INDUSTRY

Mr. JOHNSTON of South Carolina. Mr. President, I ask the support of the Senate for the industrial safety bill, sponsored by the Senator from Minnesota [Mr. BALL] and myself, which is Senate bill 1271, to provide for cooperation with State agencies administering labor laws in establishing and maintaining safe and proper working conditions in industry. There is greater need for this measure today than when first we introduced it.

This Nation did not produce the mightiest flood of guns and tanks and ships the world has ever seen without cost. The price in blood and lives and suffering was in excess of 8,000,000 job casualties, each of which kept the injured worker off the job for longer than the day or shift when the injury occurred. Sixty-three thousand workers died and more than 360,000 were permanently disabled on the production front. That is a staggering toll, and the tragedy is that nearly every one of those accidents could have been prevented. We know how to prevent job accidents, Mr. President, and it is time for us to use that knowledge to put a stop to the prodigal waste which they cause in that most precious gift of all, our labor resources.

The waste has not ceased with the war. Only the battle casualties have ceased. Job casualties continue to increase. The Bureau of Labor Statistics finds that for the last 3 months, 1945—after VJ-day—there was a 6-percent increase compared to the same period in 1944.

The National Safety Council, operating in connection with 6,000 of the largest and most safety-conscious firms in the country, reported that they had 11 percent more accidents in 1945 than in 1944. If that be true of the most-safely operated plants in the country, what can we expect from the 170,000 other plants who employ far fewer workers, and whose managers, harassed with production problems, are lacking in training and financial resources for sound safety work?

Word of what is happening in these smaller plants comes from the industrial States. Illinois had in excess of 5,900

job accidents in January of this year—more than in any month since it started to keep records, save one. The Wisconsin Industrial Commission reports an average of 117 job injuries a day for 1945, but for the first 3 months of 1946, such injuries have average more than 125 a day.

The safety experts predicted this and it is happening. The job accident rate is rising. Why? Because with the end of the war and the shutting off of war production the strong incentive to conserve manpower is gone. While war production was at its height the War and Navy Departments, the Maritime Commission, the War Production Board, and the Office of Civilian Defense had safety organizations concerned with working conditions in war industry. We had Nation-wide safety programs, supported by congressional appropriations and directed by the Department of Labor, with hundreds of volunteer safety engineers, loaned by industry, to inspect war plants and help management cut down the accident rate.

The Labor Department and the Office of Education had safety-training programs in engineering colleges, to teach safety to foremen and supervisors, and programs for training workers right on the job. But all these emergency safety programs have now been liquidated. So the major burden of the job now rests on the State labor departments, and they are inadequately staffed to do the job.

I cannot believe that Senators want the Government of the United States, which boasts to all the world of its productive genius and efficiency and the value it sets on individual lives, to close its eyes to this needless waste. For what do these rising accident tolls mean? They mean that veterans spared from the jaws of death on the battle fronts come home to face death and mutilation on the production lines of peace.

Industry today is more hazardous than war. This condition is intolerable because it can be prevented.

The industrial safety bill which is before the Senate offers a modest recognition of the Government's responsibility to assist State labor departments in combating these rising injury tolls, in safeguarding the lives and health and happiness of workers and their families, and in saving industry and the Nation the costs and social waste which come from allowing industrial hazards to continue.

The bill provides $5,000,000 a year to supplement the funds of those States which ask assistance, to be expended by them to enforce their State safety laws and regulations, to eliminate dangerous, unhealthful working conditions and to promote observance of safety precautions by employers and employees in industry. It provides this money on the basis of a formula specified in the bill, based on the number of workers in each State and the per capita income of the State. Funds will be made available to the States through the Secretary of Labor.

The bill comes before the Senate with bipartisan support. It represents the considered judgment of the Committee on Education and Labor after public hearings and prolonged deliberation. It does not set up a new Federal agency or create a bureau. It operates through the experienced channels of State labor departments charged by the laws of their States with the protection of life and limb in places where work is performed.

In order to pool the best experience of all safety agencies, the bill provides for cooperation with nongovernmental organizations in this field. It provides for education in the maintenance of safe conditions and practices—something that all modern experience in safety shows to be necessary, and something that limited budgets in the States have virtually prevented them from undertaking.

The bill has the support of the various Federal agencies concerned, of the American Federation of Labor and the Congress of Industrial Organizations and of the majority of State labor departments. Most of the State labor commissioners want this help. The labor commissioner of my State is begging me all the time to help provide for him the assistance he would receive under this bill so he can go to work to prevent these needless accidents.

Speaking personally of my own section of the country, I know we need this help. Many new industries started to operate there during the war. We need inspectors, we need training, we need the technical knowledge necessary to detect and control plant and machine hazards, and the hazards from dusts, gasses, and fumes. We need experienced people to help management and labor train workers in safe work practices.

We are doing all we can to bring about an increase in our own State appropriations for this work. But we maintain that the Federal Government has just as much stake in safeguarding manpower as the States have. It is up to the Congress of the United States to see to it that the Federal Government does its share. It does not make sense for us to regard the lives and the health of working people as less precious in peacetime than they are in war.

We are not worried about the Federal Government giving us this money. We do not think that Federal aid violates States' rights. We are used to getting money from the Federal Government to help us do all kinds of jobs that we and the Federal Government both have an interest in getting done. We have Federal money for help to crippled children, for vocational rehabilitation to the physically disabled, for maternal and infant care, for road building, for education in agriculture and home economics, for public health.

This bill will help us to do another job of the same kind, and we think we can do a good one if we get this little extra help from Washington. So can the other States. Many State labor commissioners will make the same statement.

The State labor commissioners do not see why the Federal Government should be interested in safeguarding practically every other national resource except industrial manpower. It spends millions every year to protect the Nation's crops against Mexican fruitflies, gypsy moths, boll weevils, and all the other crop hazards. It spends a million dollars a year for the restoration of wildlife. It spends other millions for vocational education, public health, and social security.

It has recognized its responsibility for the rehabilitation of the physically handicapped, including victims of industrial injury. It is spending more than $8,000,000 this year for that purpose. Would it not be better business if, instead of only trying to repair the damage after the injury has happened, we also invested some money in a program of preventing the injury?

That is what this bill would do. It would belatedly recognize the Federal Government's responsibility to help the States prevent job injuries. It would help management and labor reduce the tremendous direct and indirect cost of job accidents, which now amounts to $2,000,000,000 a year. It would put to use all the knowledge and technical skill in safety devices and practices that we had to acquire when there was a premium on conservation of manpower for war production and that really did reduce accidents during the last 2 years of war. It would save us the awful indictment of bringing our boys safely back from the war only to kill and injure them needlessly on their jobs at home. It would save lives and health. It would keep family breadwinners at work, producing for the Nation and bringing up their families in comfort and in health. It would help these men and their children, our labor force of tomorrow, to build the better land of peace and prosperity and happiness for which we fought and sacrificed during 4 long years of war.

Although the bill would appropriate only $5,000,000, it is estimated that it would save hundreds of millions of dollars annually.

I now ask permission, Mr. President, that the conclusion of the committee report and the administrative table showing the approximate distribution of this $4,750,000 appropriation among the various States be printed in the RECORD at this point as a part of my remarks.

There being no objection, the matters referred to were ordered to be printed in the RECORD, as follows:

V. CONCLUSION

Evidence before the committee testifies to the wide support which S. 1271 commands. The Secretary of Labor and the Federal Security Administrator favor the bill. The Bureau of the Budget has testified to its administrative soundness. Twenty-six labor commissioners representing the following jurisdictions strongly urge its enactment: Arkansas, Connecticut, Kentucky, Louisiana, Maryland, Massachusetts, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Washington, West Virginia, Wyoming, District of Columbia, Puerto Rico.

The bill has the vigorous support of the American Federation of Labor and the Congress of Industrial Organizations, as well as of John Roach, representing the executive secretary of the National Safety Council, of Philip Drinker, professor of industrial hygiene, Harvard School of Public Health, and an industry consultant on industrial

hygiene, and of the American Standards Association.

S. 1271 will not eliminate all industrial hazards. The committee, however, believes it recognizes the responsibility of the Federal Government to safeguard the working conditions of its industrial population. It will materially augment present State efforts to reduce the social and economic waste of preventable occupational injuries. It will permit the wider application of a generation of safety experience by industry and State governments. It will tend to implant permanently prevention techniques developed by Federal agencies under stress of wartime productive needs. It will take modest steps toward conserving for future peacetime production that precious national resource, the labor force. It will ease to a considerable degree the social and economic burden imposed upon American wage earners by the heavy toll of industrial accidents and diseases.

Administrative table showing approximate distribution of $4,750,000 appropriation among various States as determined by sec. 4 (a) of S. 1271

State	Nonagricultural employment ratio[1]	Civilian per capita income ratio (1944)[2]	Unadjusted distribution ratio	State allotment	
				Unadjusted	Adjusted
Alabama	0.0141	1.8182	0.026	$123,500	$120,000
Arkansas	.0069	2.0408	.014	66,500	64,000
Arizona	.0029	1.3158	.004	19,000	18,000
California	.0650	.7246	.047	223,250	216,000
Colorado	.0078	1.1494	.009	42,750	41,000
Connecticut	.0180	.7299	.013	61,750	60,000
Delaware	.0025	.7813	.002	15,000	15,000
District of Columbia	.0133	.8696	.012	57,000	55,000
Florida	.0136	1.2195	.017	80,750	78,000
Georgia	.0177	1.6667	.030	142,500	138,000
Idaho	.0029	1.1494	.003	15,000	15,000
Illinois	.0749	.8475	.064	304,000	294,000
Indiana	.0262	.9804	.026	123,500	120,000
Iowa	.0128	1.1364	.015	71,250	69,000
Kansas	.0098	1.0526	.010	47,500	46,000
Kentucky	.0124	1.6949	.021	99,750	97,000
Louisiana	.0134	1.5152	.020	95,000	92,000
Maine	.0067	1.0527	.007	33,250	32,000
Maryland	.0174	.8929	.016	76,000	74,000
Massachusetts	.0443	.8621	.038	180,500	175,000
Michigan	.0407	.8475	.034	161,500	156,000
Minnesota	.0184	1.1905	.022	104,500	101,000
Mississippi	.0069	2.3809	.016	76,000	74,000
Missouri	.0257	1.1364	.029	137,750	133,000
Montana	.0033	1.0204	.003	15,000	15,000
Nebraska	.0072	1.1236	.008	38,000	37,000
New Hampshire	.0040	1.2987	.005	23,750	23,000
New Jersey	.0385	.7937	.031	147,250	143,000
New Mexico	.0025	1.6129	.004	19,000	18,000
Nevada	.0012	.8333	.001	15,000	15,000
New York	.1269	.7299	.093	441,750	427,000
North Carolina	.0205	1.6949	.035	166,250	161,000
North Dakota	.0023	1.1765	.003	15,000	15,000
Ohio	.0625	.8621	.054	256,500	248,000
Oklahoma	.0100	1.3699	.014	66,500	64,000
Oregon	.0086	.8547	.007	33,250	32,000
Pennsylvania	.0882	.9615	.085	403,750	391,000
Rhode Island	.0073	.8621	.006	28,500	28,000
South Carolina	.0108	1.9231	.021	99,750	97,000
South Dakota	.0024	1.3158	.003	15,000	15,000
Tennessee	.0151	1.5385	.023	109,250	106,000
Texas	.0395	1.2821	.051	242,250	234,000
Utah	.0040	1.1364	.005	23,750	23,000
Vermont	.0025	1.1494	.003	15,000	15,000
Virginia	.0186	1.2987	.024	114,000	110,000
Washington	.0154	.7299	.011	52,250	51,000
West Virginia	.0119	1.4706	.018	85,500	83,000
Wisconsin	.0219	1.0204	.022	104,500	101,000
Wyoming	.0021	1.0989	.002	15,000	15,000
Total				4,903,250	4,750,000

[1] Nonagricultural employment ratio=ratio of the number of nonagricultural employees in each State to the number in the United States, December 1945.

[2] Civilian per capita income ratio=ratio of civilian per capita income in the United States to civilian per capita income in each State (based on Bureau of Foreign and Domestic Commerce figures, 1944).

Source: U. S. Department of Labor, Bureau of Labor Statistics, Apr. 12, 1946.

Mr. JOHNSTON of South Carolina. This table clearly shows approximately what each State will receive.

For the further information of the Senate, I may state that the bill was reported unanimously by a subcommittee of the Committee on Education and Labor, and was later unanimously reported to the Senate from the Committee on Education and Labor. When it is reached on the calendar I hope that favorable consideration may be given to the bill.

MEDIATION OF LABOR DISPUTES

The Senate resumed consideration of the bill (H. R. 4908) to provide additional facilities for the mediation of labor disputes, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Virginia [Mr. BYRD], as modified, as a substitute for section 8 of the committee amendment on page 28.

Mr. MURRAY. Mr. President, the amendments being proposed to this legislation indicate pretty strongly that there is a desire on the part of some to emasculate the entire American labor movement and either drive it out of existence or hamstring it so as to be ineffective. Those proposing the legislation are seeking to meet an existing problem which may well be of a transient character. In doing so, however, they are undermining the democratic movement whose roots are deeply imbedded in American tradition and in the establishment and development of our economic and political democracy. Few of us realize that the American labor movement did not spring up overnight. Its history is a history of slow development, tortuous struggle for the attainment of basic rights, frequently serious defeats, only to be reborn and strengthened by new generations who sought equality of opportunity and economic security and freedom. The development of the American labor movement has been largely conditioned by the development of the American economy. The industrialization of our country, the factory system, and the integration and mechanization of production have led to specific problems, and workers have attempted to meet them through organization.

I think it would be well for the Senate to review in brief the history of the American labor movement and its struggle to achieve status in our society.

HISTORY OF AMERICAN LABOR UNIONS

American labor unions are as old as the Nation itself. Although temporary organizations of workers existed prior to the founding of the Constitution, the first unions to maintain a continuous existence were the shoemakers of Philadelphia, organized in 1792 and the printers of New York City, organized in 1794.

During the period immediately before and after the turn of the nineteenth century shipbuilders, printers, cordwainers, and tailors formed unions and went on strike for wage increases. The early organizations of labor unions were paralleled by the formation of employers' associations which attempted to obtain nonunion labor, and frequently resorted to the courts under the aegis of the criminal conspiracy doctrine.

The attitude of the courts was hostile to the organization and activities of the newly formed labor unions. Between 1806 and 1815, of six recorded cases charging criminal conspiracy against the shoemakers, four were decided in favor of the employers. Under the criminal-conspiracy concept, both the act of forming a union and the end sought, that is, raising of wages, were considered unlawful. In its charge to the jury during the trial of shoemakers in Philadelphia in 1806, the court stated:

> A combination of workmen to raise their wages may be considered in a twofold point of view: One is to benefit themselves * * * the other is to injure those who do not join their society. The rule of law condemns both.

This doctrine remained unchallenged until, in 1842, the highest court of the State of Massachusetts, in the case of Commonwealth against Hunt, declared that a strike of workers for better conditions was lawful and not a criminal conspiracy.

Union activities suffered a decline with the panic of 1817, which ushered in periodic business depressions and times of prosperity similar to those of recent years. When business conditions improved trade-union activity increased. In 1825 Boston carpenters struck to secure the 10-hour day, and were met by the objections of the employers that a shorter workday would lead to idleness and vice, that the strike was run by outside agitators, and that the employers would suspend operations rather than give in to the union.

During the 1820's and early 1830's labor unions were active in pressing for legislation in the various States which would abolish imprisonment for debt, establish free universal public education, mechanics' lien laws, and fair division of the public lands. Thus, at an early stage in the country's history trade-unions were seeking to better the lot of the common man by securing for him the promised blessings of the New World.

The years 1833–37 witnessed the development of labor unions among hitherto unorganized workers, such as weavers, plasterers, cigarmakers, seamstresses, and milliners, and in newly settled cities like Pittsburgh, Cincinnati, and St. Louis. The first Nation-wide body of trade unions was formed in 1834. It consisted of the city central trades' councils, and it had as its principal objective securing the 10-hour day. However, this movement, known as the National Trades' Union, failed to survive the panic of 1837.

The growth of the railroads and the widening of the competitive market beyond the limits of a single city or State, together with the development of American industry in the 1850's and the Civil War, favored the organization of continued existence of the national union in the various crafts of the day. The

printers formed the National Typographical Union in 1850; the stonecutters' local formed a national union in 1853, the hat finishers in 1854, and the molders, machinists, and puddlers in 1859. Particular impetus to union organization was given by the rapid rise in retail prices during the Civil War in the face of lagging wages. In the years 1861 to 1872, 26 new national unions were formed.

Impressed by the increased output of commodities made possible by the use of machinery, trade unions began to give more attention to the problem of securing the 8-hour day in order that the workers might be able to enjoy the benefits of a higher standard of living. The National Labor Union, established in 1866, pressed for an 8-hour day for Federal employees in the hope that such a law would make it easier to obtain an 8-hour day elsewhere. The Congress enacted an 8-hour day law for Federal employees in 1868, and in 1872, President Grant prohibited by proclamation any wage decreases in putting the law into effect. However, the 8-hour day for workers in industry remained to be achieved at a later period.

The Knights of Labor represent the first large-scale labor organization in America whose membership at the peak exceeded 700,000 workers. The early history of the Knights of Labor reflects an interest in social reform, rather than in immediate gains in wages and hours. However, the organization was soon compelled to give attention to the striking railway men employed on the Gould-owned lines, and in 1885, the Knights were successful in their efforts to restore a wage cut and to secure the reinstatement of locked-out employees. In structure, the Knights of Labor had as its foundation the local assembly, in which skilled and unskilled, male and female, white and colored, and even farmers could and did find membership. By seeking to include all American workers in a single organization, the Knights of Labor antagonized many trade unions. This factor, together with the rivalry between the local assemblies and the general assemblies, the conflict between long-run objectives and immediate wage-and-hour demands, and the emergence of the American Federation of Labor, brought about the decline of the Knights of Labor to the point where, in 1893, the membership had dropped to 75,000.

In the depression years of the 1870's there was much unemployment and destitution among the anthracite coal miners of Pennsylvania. The strike of 1874 and 1875 against a wage cut ended in defeat and the dissolution of the mine workers' union, the Workingmen's Benevolent Association. A number of miners refused to go back to work and resorted to violence against mine owners in answer to wage reductions and discharges for union activity. The employers hired a Pinkerton spy to obtain information as to the activities of the Molly Maguires, as the workers' group was known. Eventually 24 Molly Maguires were convicted and 10 were executed for murder. The episode indicates the extremes to which workers have been driven in the past in order to resist injustice.

The great railroad strikes of 1877 were brought on by continued wage reductions in the midst of depression conditions. State and Federal troops were called out to suppress the strikes, which extended from Pennsylvania to San Francisco. A permanent consequence of those strikes was the enactment of conspiracy laws, the hostility of the courts to labor, the demand for additional armories, and the reorganization of the militia, the latter arising out of the fact that, in many instances, the militia could not be relied upon to fire upon the strikers.

With the revival of business in 1879 the national unions, such as the molders, the locomotive engineers, the bricklayers and masons, and the railway conductors, looked toward the formation of a federation of trade unions which would concern itself with "pure" trade unionism based on wage-and-hour consciousness. Its primary objective would be the furtherance of trade-union agreements designed to obtain immediate economic benefits for the membership. Its methods would be those of collective bargaining, and where they failed the methods would be the strike, boycott, and picket line. The far-flung activities of the Knights of Labor were regarded as detrimental to the interests of the craft-conscious worker. In order to achieve these objectives the American Federation of Labor was organized in 1886 and the national unions were made the basic units in the new organization.

In the 1880's the drive for the 8-hour day was resumed by the predecessor of the American Federation of Labor, that is, the Federation of Organized Trades and Labor Unions, by the Knights of Labor, and later by the American Federation of Labor itself. By the 1890's the 8-hour day became prevalent in the building trades, but it was not until the decade of the World War that the 8 hours became the standard for a large proportion of the American workers.

In 1892 a number of strikes took place in the steel industry, including the strike at Homestead, Pa., which developed into a pitched battle between strikers and Pinkerton detectives hired by the Carnegie Steel Co. Most of those strikes were unsuccessful, and they virtually eliminated unionization in the plants of the larger steel companies.

The railroads were once more the scene of a major strike when, in 1894, the American Railway Union led the workers of the Pullman Co. in protest against wage cuts and the discharge of union members. The company refused to submit the issues to arbitration as requested by the workers. The strike was soon supported by railroad employees throughout the country.

The Federal Government, in cooperation with the General Managers' Association of the railroads, instituted proceedings under the law prohibiting obstructions to the mail and invoking the new Sherman Antitrust Act which had been enacted for the purpose of outlawing combinations in restraint of trade. The Attorney General obtained a sweeping injunction prohibiting all persons from interfering with the business of the railroads entering Chicago. The Attorney General then proceeded to obtain indictments against the officers of the union, charging them with interfering with the mail and hindering interstate commerce. The leaders of the strike were eventually sent to jail for contempt of court, and the strike was brought to an unsuccessful conclusion. The Sherman Antitrust Act had been perverted to serve the cause of the big business which it had been intended to restrain.

The persistent refusal of most employers to recognize the legitimate existence of trade unions continued to bring about major strikes with resulting loss of lives and property. In 1902, the anthracite coal strike followed refusal of the operators to discuss the wage-and-hour issues with the United Mine Workers Union. The strike was terminated by the appointment of an arbitration commission satisfactory to both sides. It marked the first time in our history when a President of the United States played an active part in securing the settlement of a strike. Though the union was not recognized by the operators, the award of the Presidential commission provided for a wage increase and a grievance procedure.

In 1905 a rival union was organized in opposition to the American Federation of Labor. The Industrial Workers of the World advocated opposition to capitalism by means of aggressive strikes. Its leadership consisted, in part, of officials of the Western Federation of Miners who had been exposed to the violence employed by mine operators in opposing unionism. Consequently, the new union did not have to go far to copy the ready example of employer violence. The IWW also capitalized on the failure of the A. F. of L. effectively to interest itself in the plight of agricultural labor, textile workers, lumber workers, and other badly exploited sections of the working population. Although the IWW gained public attention by the use of spectacular methods, as in the Lawrence textile strike of 1912, and in the free speech fight of 1909 to 1912, at no time did its membership exceed 100,000 workers. Lacking the stable base afforded by a policy of collective bargaining, and insistent upon a revolutionary goal, the IWW became unimportant in the American labor scene after 1918.

The years 1909 and 1910 saw strikes in the garment industry arising out of unsanitary sweatshops, extremely low wages, and job insecurity. The settlement of those strikes laid the foundation for a system of grievance and arbitration machinery which has since become a model for orderly, peaceful adjustment of disputes arising out of collective-bargaining agreements.

The Sherman Antitrust Act received further application at the hands of the courts in the case of *Loewe* v. *Lawlor* (208 U. S. 274, 1908), the famous Danbury Hatters' case. The Supreme Court declared that the acts of labor unions, if

they involved restraint of commerce among the States, were covered by the Sherman Act. It held further that Congress clearly intended that the Sherman Act should be applicable to combinations of labor as well as those of capital. The final judgment against the officers and members of the union amounted to $252,000, and only the fact that the trade unions raised funds to pay the judgment saved the members of the union the loss of their homes and other property.

This decision stirred labor to secure exemption from the operation of the Sherman Act, and Samuel Gompers hailed the Clayton Antitrust Act as the answer to the problem. However, the courts were to continue to place interpretations upon the lawful and peaceful activities of unions which left them with the same legal disabilities and restraints that had existed prior to the passage of the act.

In the latter part of the nineteenth century employers began to use the yellow-dog contract as a condition of employment by which a worker promised not to join a trade union so long as he remained an employee of the concern. In *Coppage* v. *Kansas* (236 U. S. 1, 1915) and *Hitchman* v. *Mitchell* (245 U. S. 229, 1917), the Supreme Court ruled that yellow-dog contracts were consistent with the fourteenth amendment and that any law or attempt by unions to abolish them would be depriving persons of their property without due process of law. The use of yellow-dog contracts became common in an increasing number of American industries and in such districts as West Virginia and Kentucky the courts became the principal aids of antiunion coal operators in their fight against organization. The injunctive process was used to prevent attempts, however peaceful, to organize workers who had been compelled by economic circumstances to agree not to belong to a union.

The period of the First World War was of considerable significance for American labor unions. Membership almost doubled in the period 1915–20, to reach a high of more than 5,000,000 workers; important labor legislation was enacted; organized labor was represented on Government war agencies; and there was a vigorous effort made to organize mass-production industries.

In 1916 the railroad unions threatened to strike for the 8-hour day. Upon the intervention of President Wilson the strike was averted and the Congress passed the Adamson Act which provided for the establishment of the 8-hour day for workers engaged in operating trains in interstate commerce. However, it took the threat of a major war and the continued intervention of the President to bring the railroad managers to accept the provisions of the law in the form of a signed agreement with the railroad brotherhoods. When in 1917 the Federal Government took over the operation of the railroads, a railroad wage commission was appointed to investigate wage disputes. This body functioned effectively in preventing strikes during the war years.

In March 1918, the National War Labor Board was created with tripartite representation. No strikes or lock-outs were to take place during the war. The right of workers to organize into trade unions and to bargain collectively was affirmed and was not to be interfered with by employers in any manner. The right of employers to organize in order to bargain collectively was also affirmed. The union shop and union standards were to be continued where they existed. These principles were in one respect regarded as unsatisfactory to union workers, for unions were not to attempt to bring about a union shop where the open shop was in existence.

In applying its policies, the War Labor Board sought to prevent both employers and unions from engaging in activities which would disturb production in essential war industries. In the Western Union and Postal Telegraph case, the Government took over the telegraph and telephone systems in order to show its determination to carry out its policies, even in the face of the opposition of the great corporations. The Smith and Wesson case indicated that the Government would not permit aggressive antiunion activities to be carried on in war industries. In the case of the Bridgeport machinists it displayed no hesitation about bringing pressure to bear upon employees who struck against an award by which they had agreed to abide.

Unions held considerable representation on Government boards during the war. In addition to the National War Labor Board, union representatives were to be found on the Emergency Construction Board, the Fuel Administration Board, the Food Administration Board, and the War Industries Board. This favorable attitude of Government toward labor, together with the labor shortage induced by the war and the rapid rise in prices, stimulated the tremendous growth in organization during the war years.

In 1918 the AFL began an organization drive in the steel industry in an effort to aid the workers to raise their low wages and to wipe out the 12-hour day. The companies affected embarked upon aggressive antiunion activities, discharging union men, and prohibiting union meetings in the company-controlled towns. The United States Steel Corp., through Judge Gary, announced its intention to refuse to deal with unions. The strike which ensued involved 300,000 or more workers and affected steel production in every region of the country. Direct clashes between strikers and private guards were frequent, especially when attempts were made to suppress meetings. Throughout the strike the press gave much space to the employer's position and pursued a studied policy of alienating public sympathy away from the strikers. The strike ended in failure in the early part of 1920, and the steel industry remained an open shop until the advent of the Congress of Industrial Organizations in 1937.

The miners had suffered a continuous decrease in real wages during the war years. When they attempted, in 1919, to use their only effective weapon—the strike—to raise their wage standards, they were met by the combined forces of the employers, the Federal Government, and the courts. The Attorney General of the United States obtained an injunction in the Federal District Court of Indiana on the plea that the armistice did not end the wartime emergency and that until the treaty of peace was concluded, the Lever Act providing for Federal control of fuel was in force and that, in effect, the strike was one against the Government.

Henry David, in his chapters on the American Labor Movement—Labor Problems in America, Farrar & Rinehart, New York, 1940—well describes the American plan of the twenties:

> At the close of the war the antiunion campaign which began in 1920 was disguised as a drive for the American plan. Its objective was the open shop, but it made its plea in terms of American principles and the inalienable right of every worker to enter any trade and to accept employment under conditions satisfactory to himself without the intercession of a union. Conservative farmers' organizations and the American Bankers' Association came to the aid of the employers promoting the American plan for the abolition of the un-American closed shop. In New York State alone there were at least 50 active open-shop associations, and Massachusetts had 18 such organizations in 8 cities. The State manufacturers' associations were extremely active in the campaign, which include employers' associations in various industries and local chambers of commerce, to put the open shop into effect. In Illinois, where there were 46 open-shop associations, the Manufacturers' Association in October 1920 offered aid to any employer fighting for the open shop.
>
> In January 1921, 22 State manufacturers' associations meeting in conference in Chicago officially adopted the name American Plan. For a number of years thereafter the employers carried on an aggressive struggle against unionism, which resulted in the defeat of many strikes and destroyed many trade-unions. The campaign was aided by the turn in business conditions which occurred in 1920, and which, by 1921, had resulted in widespread unemployment in industrial centers. The growth of militant employers' associations, the principal purpose of which was to fight the closed shop, helped to make the campaign for the American Plan a success. The most strenuous opposition to the employers' efforts were encountered in the building trades. Here the well-organized unions succeeded in numerous instances in resisting the employers' attack. In many cities of the country, however, strikes to maintain union conditions were defeated, and building operations were resumed under open-shop conditions.

Under constant pressure from the open-shop drive following the end of the First World War, organized labor in the United States did not make much headway during the so-called prosperous era of the twenties, and it suffered the ravages of the prolonged depression and the mass unemployment that followed the stock-market debacle in 1929. By 1932 the total membership of the American Federation of Labor stood at approximately 2,500,000, as contrasted with the high mark of slightly over 4,000,000 in 1920. It declined further to about 2,100,000 in 1933.

It was not until after the enactment of the National Industrial Recovery Act

in the spring of 1933, including section 7 (a) which guaranteed the right of employees to organize into unions of their own choosing and to bargain collectively with employers, that trade unionism in the United States began to revive. With it came a tremendous influx of new members into the ranks of unions.

The rapidity and the nature of the organizing activities during the NRA period led to the formation of a large number of Federal labor unions chartered directly by the American Federation of Labor. From June 1933 to October 1934, the American Federation of Labor organized and chartered 106 Federal labor unions in the automobile industry, 75 in rubber, 30 in the cement industry, and 20 in aluminum. The total number of affiliated trade and Federal labor unions increased from 673 in 1933 to 1,788 in 1934.

The gains made during the early days of the NRA were halted only temporarily by the invalidation of the National Industrial Recovery Act by the Supreme Court in May 1935, by the rapid spread of employee representation plans established primarily for the purpose of combating the spread of unionism, and by the hostility of employers to the newly enacted National Labor Relations Act. Labor took new heart in April 1937 when the United States Supreme Court validated the National Labor Relations Act.

The vitality and strength developed by the American labor movement in 1937 can be attributed to three principal factors. Favorable labor legislation, particularly the National Labor Relations Act, laid the foundation for the right of workers to organize into unions of their own choice. The Committee for Industrial Organization made tremendous strides in organizing the hitherto unorganized mass-production industries, and the American Federation of Labor expanded its organizing activities and extended its membership among both craft and industrial workers.

Despite the rivalry and bitterness created, the organization and activities of the Congress of Industrial Organizations exerted a profound influence on the extent and character of unionization in the last 5 years. By 1941 organized labor in the United States registered substantial gains in union membership, in the number of collective-bargaining agreements negotiated, and in the number of workers in industries covered by these agreements. By the end of the year total union membership had reached to approximately 11,000,000, the largest number on record in the history of the labor movement in the United States. The total number of union members represented approximately one-third of all the wage earners and salaried employees in the country.

By the end of the war, VJ-day, unions affiliated with the AFL represented a dues-paying membership of almost 7,000,000. As of August 31, 1945, Secretary-Treasurer Meany reported total dues-paying membership of 6,938,125, and in April 1946 the AFL secretary-treasurer report claimed membership of 6,931,221. The CIO claimed approximately 6,000,000 members at the end of 1944. Independent unions claimed over 1,000,000 members, bringing the estimated total trade-union membership to between 14,000,000 and 15,000,000.

PART II. CASE STUDIES

Mr. President, thus far I have addressed myself to a broad and very brief picture of the development of the American labor movement. I have sketched and outlined broadly the organizational efforts of labor in the United States. I should like now to confine my discussion to a more detailed examination of some of the specific instances and periods in American labor history which will give a more realistic approach and understanding of the problems which workers have faced and met during this period. These case studies have been chosen from many of similar instances, but they are sufficiently illustrative of the point I wish to make, namely, that labor's efforts have not been easy of achievement that they are not of recent origin, and that we should not take any action on this floor which would necessitate a recurrence of those periods in our labor history.

I wish first to address myself to the Homestead strike of 1892, then the Ludlow incident, then the textile organizing strike in Gastonia, and, if time permits, the open-shop drive of the 1920's, the formation of company unions and employer associations, the Chicago massacre of 1937, and the now famous Mohawk Valley formula, which is one of the outstanding techniques of strike-breaking conceived by American industry.

HOMESTEAD

We now turn our attention to a dramatic and grievous incident in the struggle of the American working people for improvement of their conditions and recognition of their just grievances, the Homestead lock-out, the struggle between the organized skilled steel workers and the rising colossus of the Carnegie Steel Co. Here for the first time the American labor movement met a new type of foe, a large corporation with widespread economic ramifications and seemingly limitless resources for a war against labor unions. Labor also met a new ruthlessness, a new reliance on brute force, on the power of organized physical violence which money can buy. It was organized labor's first serious experience with the large modern industrial corporation which was later to so dominate and typify American industry.

This was the period of the early nineties in which the new methods of fighting labor were forged—methods quite different from the employer tactics used in the struggles of the seventies and eighties. Here that infamous antilabor use of the court injunction was fashioned, a tool destined to become the effective cause of increased industrial unrest and the instigating force to violence.

In 1890 the resurgence of the labor movement had first become evident. The carpenters were able to establish that long-sought goal, the 8-hour-working day, in approximately 100 towns and cities. Workers in other industries were anxious to achieve the same, but were not yet sufficiently strong.

In steel, the strongest union in American history to that date—a craft union of skilled steel workers of the period, the Amalgamated Association of Iron and Steel Workers—had successfully organized 2,500 members. Up to 1889 their relations with the Carnegie Co. had been friendly. In that year the first dispute occurred between the company and the union, and this dispute coincided with the assumption of the direction of the company by a Mr. H. C. Frick, who, as owner of the largest coke manufacturing plant, had acquired the reputation of being a bitter enemy of labor organization. During the 1889 negotiations for renewal of the agreement Frick had demanded the dissolution of the unions. In fact, the agreement was finally renewed for a 3-year period, but the seeds of distrust and enmity had been sown.

The new agreement called for a sliding scale for wages, which were to rise or fall with the market price of a specified standard steel billet. The agreement, however, set a minimum of $25 per ton on these billets, which put the wage floor at the rate corresponding to the $25 market price.

Under Frick the Carnegie Co. resented the necessity of dealing with the Amalgamated Association. Among its rivals the Carnegie had developed to a position of dictatorial power, controlling at that time the major portion of the American steel market. In the earlier period the union demand for and maintenance of uniform wage rates for the same job operation had been a factor helpful to the company in standardizing its labor costs and giving it an advantage over competitors with unrationalized wage scales. But after this advantage had helped it win out over its competitors, the company turned against the union.

In the earlier period Carnegie himself was known for his professions of sympathy toward labor, as Yellen recounts in his book:

> Before the appointment of Frick the men had believed somewhat in the friendship of Andrew Carnegie, poor immigrant boy from Dunfermline, donator of libraries and hospitals and music halls, patron of the workingman and democracy and peace. He had written frequently concerning the relations of capital and labor; he had advocated trade-unionism and the peaceful arbitration of differences, and had deplored absentee capitalism and the violence of dispute. In an article of the Forum for April 1886 he had stated:
>
> "The right of the workingmen to combine and to form trade-unions is no less sacred than the right of the manufacturer to enter into associations and conferences with his fellows, and it must be sooner or later conceded. Indeed, it gives one but a poor opinion of the American workman if he permits himself to be deprived of a right which his fellow in England has conquered for himself long since. My experience has been that trade-unions upon the whole are beneficial both to labor and to capital."
>
> And 4 months later in the same magazine:
>
> "While public sentiment has rightly and unmistakably condemned violence, even in the form for which there is the most excuse, I would have the public give due consideration to the terrible temptation to which the workingman on a strike is sometimes subjected. To expect that one dependent upon his daily wage for the necessaries of life will

stand by peaceably and see a new man employed in his stead is to expect much. This poor man may have a wife and children dependent upon his labor. Whether medicine for a sick child, or even nourishing food for a delicate wife, is procurable, depends upon his steady employment. In all but a very few departments of labor it is unnecessary, and, I think, improper, to subject men to such an ordeal. * * * There is an unwritten law among the best workmen: 'Thou shalt not take thy neighbor's job.'"

When, therefore, during the disturbances at Homestead, contradictions between Carnegie's public humanitarian utterances and his private business practices were unveiled, the men felt as if they had been betrayed.

From Frick the workmen expected open hostility. But how to account for Carnegie's actions? Why had he declared himself so often in print for a liberal labor policy motivated by generosity and enlightenment? And after he had so done, then why did he let Frick, the notorious and unyielding enemy of trade-unions, assume full authority for the firm, and then himself hurry away to his castles and shooting boxes in Scotland? (Source: American Labor Struggles, Samuel Yellen, Harcourt, Brace & Co., New York, 1936, pp. 74–75.)

These disturbances arose as the date for contract negotiations approached. That even Carnegie himself was preparing to challenge the union's right to an agreement was later revealed by publication of a draft of a notice, suppressed at the time, to the effect that henceforth the company would be nonunion and would not negotiate a new agreement.

Negotiations had begun several months before the contract expiration date of June 30. In reply to union demands for a new scale the company presented its proposals: First, for reduction in the minimum market price of the sliding scale from $25 to $22 per ton of standard billets; second, for a change in the expiration date of the contract to December 31; and third, a reduction in tonnage rates at mills where improvements had been made and new machinery installed.

No accord was reached between the parties. Suddenly on May 30 the company sent the union an ultimatum that it would have to accept the scale before June 24 or recognition would be withdrawn. Indications that he hoped to be able to eliminate the union are contained in the letter Frick wrote to his mill superintendent on the day of the ultimatum:

You can say to the committee that these scales are in all respects the most liberal that can be offered. We do not care whether a man belongs to a union or not, nor do we wish to interfere. He may belong to as many unions or organizations as he chooses, but we think our employees at Homestead Steel Works would fare much better working under the system [i. e., nonunion] in vogue at Edgar Thompson and Duquesne. (Source: U. S. House of Representatives, Employment of Pinkerton Detectives, 52d Cong., 2d sess., Rept. No. 2447 (Washington, Government Printing Office, 1893), p. 23.)

Meanwhile the company openly conducted itself as if for a siege. A solid board fence topped with barbed wire and perforated at intervals, as if for rifles, was built around the mill grounds. The atmosphere could hardly be other than tense, with such obvious preparations for open struggle. A final conference held on June 23, just before the ultimatum was to expire, ended in dismal failure. Of this conference Yellen writes:

Throughout the conferences the men had been offended by the cold, uncompromising attitude of the company, and particularly by the fortifications thrown around the works even before the negotiations were at an end. Now they were angered by the obvious aggressiveness of the company, and understood fully that behind all the differences had been the single question of the preservation of their union. The company attitude rankled all the more because the men prided themselves on their Americanism and on the conservative policy and reasonable spirit of the Amalgamated. In this feeling the congressional investigating committee later concurred with the men. It found that the workmen at Homestead were very intelligent and highly skilled, that their work was of such a nature as to impair their eyesight rapidly and shorten their lives, and that, therefore, a reduction of 18 percent to 26 percent in their pay warranted close scrutiny. Yet, at the investigation, Frick refused outright to state either the total cost or the labor cost of a ton of steel billets, on the grounds that he could not disclose such a trade secret to competitors. (Source: American Labor Struggles, Samuel Yellen; Harcourt Brace & Co., New York, 1936, pp. 80–81.)

Two days later the company issued a statement that the proposed company scale would stand regardless of the workers' attitude. A peaceful outcome was foredoomed, as the later congressional committee readily pointed out:

We conclude from all the surroundings that he, who is not the only manufacturer thus affected, is opposed to the Amalgamated Association and its methods, and hence had no anxiety to contract with his laborers through that organization, and that this is the true reason why he appeared to them as autocratic and uncompromising in his demands. If, as he claimed, the business of his company, on account of fall in the market price of the products of the works, required a reduction of the wages of the employees, he should have appealed to their reason and shown them the true state of the company's affairs. We are persuaded that if he had done so, an agreement would have been reached between him and the workmen, and all the trouble which followed would thus have been avoided. (Source: U. S. House of Representatives, Employment of Pinkerton Detectives, 52d Cong., 2d sess., Rept. No. 2447 (1893), p. xi.)

When strained relations ensued, the company took the action of locking out its entire working force 2 days before the agreement was to expire. This action united the nearly 3,000 mechanics and common laborers behind the fight of the 800 skilled union men, resulting quickly in the formation of an advisory committee for directing the common activities of all levels of locked-out employees.

The committee prepared a watch for strikebreakers and soon took over full charge of running the town of Homestead. Who were these men who were thus raised to a position of control? Yellen tells us:

The committee was anxious to preserve order and decency. It wanted no excuse to exist for newspaper slander. They were no ignorant immigrants, no lawless vandals, no violent anarchists; they were good Americans, fellow citizens, with Frick and Carnegie, of a democracy; respectable men who were defending their moderate standards of living for their families. (Source: American Labor Struggles, Samuel Yellen; Harcourt, Brace & Co., New York, 1936, p. 82.)

When the workmen showed their determination to protect their jobs from being taken by scabs, Frick called upon the Allegheny County sheriff for 100 deputies to protect the mill property. The union immediately told the sheriff that nobody was trespassing on the mill property but that it would be willing to have 500 men specially deputized to watch the property. Although the sheriff refused this, he could not round up any of the citizenry of the county to act as deputies and had to send 12 of his own office force. These men were met at the station by a crowd of 2,000 men who showed them that the mill property was untouched but would not let them stay. By this time the atmosphere had become more tense because of rumors that the company was recruiting scabs in certain large cities nearby.

Actually it was later disclosed that Frick had formulated plans for bringing in armed Pinkerton detectives as early as June 20—considerably before he had asked for protection from the authorities and even before the break-off of negotiations with the union. As the congressional committee reported:

There was nothing in the laws of Pennsylvania to prevent Mr. Frick from employing Pinkerton men as watchmen in the works at Homestead, yet we do not think, under the circumstances, he should have done so. He made no direct appeal to the county and State authorities for protection in the first instance, but began to negotiate for the employment of Pinkerton forces before the negotiations for the reemployment of the workmen of the Amalgamated Association were broken off. (Source: U. S. House of Representatives, Employment of Pinkerton Detectives (52d Cong., 2d sess., Rept. No. 2447 Washington, Government Printing Office, 1893), p. XI.)

By June 25 Frick had already given detailed instructions to the Pinkerton Agency for the transportation and arming of 300 private detectives. They were brought in stealthily by barges up the river toward Homestead. Workmen sentries, however, sighted the barges below the town so that when the boatloads of armed Pinkerton men arrived they were met by an outpouring of townspeople who warned the detectives to stay away. When the Pinkertons actually started down the barge gangplanks, however, a shot rang out. No one has discovered which side fired the shot—but it was the spark which set off the explosion.

The ensuing battle lasted from 4 a. m. to the following 5 p. m. It was stopped by the arrival of the union president and ultimately resulted in the surrender and disarming of the Pinkertons, who were then taken into custody and finally shipped back home. The union members had great difficulty, however, in protecting the Pinkertons from the wrath of the townswomen who had been worked up to fever pitch by the invasion attempt.

The steel company had failed in this attempt to bring in strikebreakers, but its attempt had resulted in a tragedy that left its imprint on the labor movement and on the memory of the Nation for many years.

The public reaction throughout the country was one of horror. Unions from all sides sent in resolutions of sympathy and support to the locked-out workers. In Pittsburgh one union petitioned the city council to return Carnegie's million-dollar gift for a free library because it represented workingmen's blood. Repercussions were felt throughout the States, even though many people failed to see how inevitably bloodshed could be the only result of the labor policy pursued by this powerful company. Yellen clearly points out the dilemma in which the locked-out worker was placed:

E. L. Godkin's Nation disapproved of the workmen for attempting to deprive rich men of their property and poor men of their right to labor. The Honorable William C. Oates, chairman of the congressional investigating committee, objected to the moral suasion employed by union men to prevent nonunion men from scabbing, and wrote: "The right of any man to labor, upon whatever terms he and his employer agree, whether he belong to a labor organization or not, and the right of a person or corporation (which in law is also a person) to employ anyone to labor in a lawful business is secured by the laws of the land." Neither the Nation nor Congressman Oates seemed aware of the dilemma of the workman; if he did not picket he was reduced to looking on while his job was given to a scab; if he did picket he transgressed the laws and ideals of the land. (Source: American Labor Struggles, Samuel Yellen; Harcourt, Brace & Co., New York, 1936, pp. 88–89.)

While the county was aroused, the people of Homestead settled down to care for their wounded, still maintaining vigilance for further invasions of Pinkertons. Even though all remained quiet, the sheriff began calling upon Governor Pattison to send the militia. Pattison replied at the time that the sheriff had "neglected his duty" and that in his opinion if the sheriff had accepted the idea of letting the locked-out men guard the mills "there would not have been a drop of blood shed." A local committee reported to the Governor that the militia were not needed and that the town was orderly and peaceful. Just when the town felt the militia would not be sent in, however, the Governor reversed his stand and ordered 8,000 of the Pennsylvania National Guard to move into Homestead.

At first astounded by this reversal, the Homestead workers welcomed the troops and prepared to cooperate with them on a friendly basis. The officers, however, refused to reciprocate this friendship and maintained a hostile attitude. Slowly the militia opened the way for the introduction of nonunion workers and the reopening of the mill. The company, still refusing to meet the union, started eviction proceedings against families living in company-owned houses.

The struggle continued, however, because of the inability of the company to obtain a sufficient number of skilled employees to run the mill. The workmen were still united. Consequently, to finally smash this unity the company began "filing informations" for the arrest of many of the union leaders, on charges of murder, conspiracy, and aggravated riot. Although the workers retaliated by lodging informations against company officials, they could not readily meet all the required bail for their own members, set at $10,000 each.

Amidst the legal tangles which ensued the workmen were soon confused and their unity weakened. Actually the company and the State failed to obtain the convictions of any of the union men. Yet the company had won its point. The court victories had been costly to the union and ultimately left the union without resources for relief of its locked-out members. On November 20, the resistance collapsed, many of the union members having migrated from the area. As a result unionism had been destroyed in the major steel mills of the Pittsburgh area.

Final defeat for the Homestead workers found many of them routed from their homes, many blacklisted from work in their lifetime trade, many unemployed, their jobs taken by outsiders brought in by the company, and many others reabsorbed by the mill but resentful, demoralized, with a feeling of helplessness and hopelessness in the absence of any protection by any organization of their own choosing.

Frick had won the day. He had broken the union by brute force and the overwhelming resources of the corporation relative to those of the union.

Lives, money, and time were the costs. The State itself spent $600,000 to maintain the militia, over and above all the expenses for the court trials and payments to the deputy sheriffs. Workmen lost over $800,000 in wages and as much again in their own savings and union relief funds.

And what about the working and living conditions of the Homestead families, for maintaining which they had been struggling in vain? Was it true, as Frick later declared, that his nonunion mill was operating "with the greatest satisfaction to ourselves and to the unquestioned advantage of our employeees"? Was it true, in his words, that, "the best evidence that their wages are satisfactory is shown in the fact that we have never had a strike there since they began working under our system of management"?

Had the workmen and citizenry of Homestead been deluded that there was something to struggle for, that they could slowly lift themselves from their misery by organizing in their own interests? Had Frick's nonunion shop, which he had won with armed gunmen, strikebreakers, and unlimited money resources, actually brought the better day for his employees?

The Homestead workmen could not speak out, but they knew this was false. Let a careful student of this situation, Samuel Yellen, tell the story of what actually happened:

From this time forward the men had no voice in determining their hours and wages, the conditions of work, and the share they were to have in improved processes of production. They had no effective protest against any debasement of their standards of living, and as a result the standards were constantly forced lower. When Margaret F. Byington, some 15 years ago, conducted for the Pittsburgh Survey an investigation into Homestead, she found conditions that made life and happiness nigh impossible. The men toiled long hours, nearly all working a 12-hour day, with a 24-hour stretch every 2 weeks when they exchanged day and night shifts. There was no leisure, little family life, and little civic spirit; there were only hard work, poor food, and wearied sleep. Wages had fallen very low, especially for the fresh immigrant labor, with the usual consequences. (Source: American Labor Struggles, Samuel Yellen; Harcourt, Brace & Co., New York, 1936, p. 99.)

What were these consequences 15 years after the lock-out? Miss Byington in her study, gives us a good description:

The analysis of expenditures indicates that the man who earns $9.90 a week, as do a majority of such laborers, and who has a family of normal size to support, can provide for them only a two-room tenement in a crowded court, with no sanitary conveniences; a supply of food below the minimum sufficient for mere physical well-being; insurance that makes provision which is utterly inadequate for the family left without a breadwinner; a meager expenditure for clothes and furniture, and an almost negligible margin for recreation, education, and savings. Many can, to be sure, add to their earnings by working 7 days a week instead of 6; by working 12 hours a day instead of 10; but after all we are talking of standards of life and labor for an American industry, and common sense will scarcely sanction such a week of work. Many, too, as we have seen, take in lodgers, but do it at the cost of decency and health. (Source: Byington, M. F. Homestead: The Households of a Mill Town (1910), p. 180.)

Concretely, Frick's victory meant that by 1907 unorganized common laborers in steel mills received only $1.65 for a 10-hour day and $1.98 for a 12-hour day, although not far away in the bituminous coal mines the common laborers, organized into their own union, were receiving $2.36 for an 8-hour day. And as the workmen sank into a state virtually of slavery, this Carnegie Steel Co. was rapidly transforming itself into that vast monopoly now known as the United States Steel Corp., strategically situated at the heart of modern American industry.

GASTONIA

A great deal of attention is being paid to the evils resulting from the National Labor Relations Act. What must be remembered is that the act has corrected evils of a far more urgent nature. A review of practices that were of common occurrence before the right of workers to organize and to bargain collectively was recognized can most lucidly be illustrated from concrete examples of industrial disputes before the act was passed. Any curtailment or abridgement of labor's right to organize and to bargain collectively may well mean the return to an America of industrial warfare, as is illustrated, for example, in the textile workers strike in Gastonia in 1929, and a return to far greater evils than the proposals now before the Senate attempt to remedy.

The history of events in the Gastonia strike can be understood only against the background of labor conditions existing at the time—labor conditions that were directly attributable to lack of organization. In spite of many protestations to the contrary, the desire for organization

among southern workers to better their working conditions was in ample evidence; but the employers were able to mobilize the police and citizen committees to suppress strikes and organizing activities, with resulting mass suffering and bloodshed. Thus, early attempts at unionizing the southern textile mills in 1900 and again in 1919 failed, not because southern labor was docile but because the employers were able to take advantage of the legally defenseless workers.

GRIEVANCES OF THE SOUTHERN TEXTILE WORKERS

In spite of the failure of previous efforts, in 1929, several textile unions—including the United Textile Workers, A. F. of L., and the National Union of Textile Workers—revived the attempt to organize the South, particularly because of the widespread dissatisfaction with the "stretch out" under which the number of looms under the care of 1 weaver was increased from 20 to as many as 100, in some cases, with no increase in pay—Perlman and Taft, History of Labor in the United States, 1896–1932, volume IV, the Macmillan Co., New York, 1935, page 604.

Another source of discontent, of course, was the low rates of pay. Wages were so low that children of 14 had to go to the mill as a matter of course. Mothers of young children had to work at night. Typical of the treatment received by the employees at the Loray mill is this statement by one of the women workers—

When I was goin' to have a baby and got so I couldn't work, they's fire my husband. Lots of mills won't have you unless there's two hands in the family working. (Mary Heaton Vorse, Gastonia, Harpers, November 1929, p. 705.)

In the colorful language of the mountain men who were the principal source of labor supply for the textile mills:

The boss-men say in the papers that the average wages is $18.60 a week. This is damn lie. Maybe if you take all the money all the bosses git and average it up, then it may be about right. But as fer as the mill hands is concerned, they git an average of about $12 or $13. That's fer 11 or 12 hours work daily fer a week. * * *

When you go to git yore pay envelope you never know what yore agoin' to git. They used to give you a statement showin' what was due, but that give us a chance to kick. They paymaster never get thru tryin' to straighten our complaints. There ain't no way now of checkin' up to see if you git what's a-comin' to you. (William F. Dunne, Gastonia, Workers Library Publishers, New York, 1929, p. 56–57.)

FIRST STRIKE IS SPONTANEOUS

As a result of such conditions, the first large-scale dispute of this period was a spontaneous strike by the employees of the Glanzstoff Rayon Co. at Elizabethton, Tenn., which occurred in March 1929. Later, the strike spread to the Bemberg plant, under the same management, so that a total of 5,500 employees were involved in the walk-out—Ernest J. Eberling, the Strikes Among Textile Workers in the Southern States, Current History, June 1929, page 451. Alfred Hoffman, representing the United Textile Workers of America, soon arrived to take charge, while the National Guard of Tennessee were called out to protect the rayon plants—Nashville Tennesseean, March 19, 1929. Peace was restored when Federal mediators brought about a settlement providing for no discrimination in rehiring and a promise of wage increases.—Ernest J. Eberling, op. cit., page 452.

The agreement was short-lived, for in the night of April 4, Edward McGrady of the American Federation of Labor, and later First Assistant Secretary of Labor, and Albert Hoffman were carried out of town by a mob, and ordered not to return under penalty of death—Nashville Tennesseean, April 6, 1929. Ten days later, discharge of the union grievance committee resulted in a second walk-out—Nashville Tennesseean, April 16, 1929. Two companies of National Guardsmen returned; and the district court enjoined picketing, with the result that over 600 strikers were arrested—Raleigh News and Observer, May 15, 25, 1929. By such tactics was the union eventually broken.

STRIKE AT GASTONIA RESULTS IN BLOODSHED

I read a statement by Mr. Yellen:

In the meantime, on April 1 another strike broke out under widely different circumstances near Gastonia, N. C. Here at the Loray mill, owned by the Manville Jenckes Co., of Pawtucket, R. I., Fred E. Beal, of the National Textile Workers' Union, had secretly organized the workers. As soon as the management discovered this union, it discharged five of its members. More than half of the force of 2,200 walked out in protest. A strikers' committee called upon Superintendent J. A. Baugh with a list of demands, including recognition of the union, a 40-hour week, minimum weekly wage of $20, and the abolition of the stretch-out; but he replied by roping off the street leading to the mill and by keeping the looms going with a small force. A scuffle between pickets and deputies on April 2 brought out five companies of the National Guard. (Samuel Yellen, American Labor Struggles, Harcourt, Brace & Co., New York, 1936, p. 303.)

I now read two statements by Mrs. Vorse:

During the first days of the strike, there were large and orderly picket lines despite the presence of five companies of State troops, but later these picket lines were broken up with increasing severity. Workers were beaten after their arrest, and all of the leaders were arrested at one time or another. (Mary Heaton Vorse, op. cit., p. 701.)

One worker stated, "I was leading the picket line and I was trying to get through a mob of deputies. They said, 'What do you think you're doing?' I said, 'Leading a picket line if I can get through,' and I walked through. They jumped on me and hit me with clubs over the head and in the belly so I was spitting blood and hemorrhaging all night. It was 2 weeks ago, and I ain't well yet. I was all mashed up inside." (Mary Heaton Vorse, op. cit., pp. 705–706.)

Nor were women spared. One stated that she had been going to the store for supper on Monday, April 22. Policemen came down the street—

chasing the strikers before them like rats. He cut my dress and he cut me, too. They had been a drinkin' an' they must'a been a drinkin' to chase women and little kids with baynits. They chased 'em in and out the relief store like dogs huntin' rats. * * * An' then the policemen came up an' hit me between the eye with his fist. He hit me more'n 20 times, I reckon. I was all swelled up an' black an' blue. (Ibid., pp. 706–707.)

Regarding the mass violence of the 18th and 22d of April, as reported above, Mrs. Vorse states:

The National Textile Workers' Union had rented a small shack on the main street of West Gastonia, which it used as strike headquarters. An empty store near by had been hired as a relief depot, and to it the strikers went daily to get their food supplies. This relief store was supported by the Workers' International Relief, an organization which collects money from labor unions for workers on strike. * * * On the night of April 18 a mob of between 150 and 200 masked men descended upon the headquarters and with axes and other instruments almost literally chopped it down. They broke into the relief store, smashed the windows, and threw the supplies of food intended for women and children out into the road and destroyed them. The nine boys who, unarmed, were guarding the headquarters and store were arrested by National Guard men. None of the raiders were arrested.

The militia was dismissed at the end of that week. A large number of extra deputies were then sworn in and armed with bayonets. On Monday, April 22, they charged the picket line with bayonets and blackjacks. A reporter was beaten unconscious. Women were beaten. Men and women, their clothing torn, were scattered with bayonets. Large numbers were arrested. The events of that Monday afternoon were a premeditated attempt to terrorize the workers from holding the picket line.

This was the general state of affairs when I arrived. A grand jury had already been called to investigate the mob outrage, which was very badly looked upon throughout the State. It failed to bring indictments or to throw any light on who was responsible for the trouble. Two of the nine guards made affidavits that they recognized members of the mill police among their assailants. (Ibid., pp. 701–702.)

Commenting on this outrage, the Raleigh News and Observer of April 23, said editorially:

Last week, a mob of men in the nighttime, armed with their own guns, under masks of their own making, invaded and wrecked the headquarters and relief store of the striking cotton-mill workers of the Loray Mills in Gaston County.

Last night, a mob of other men in the nighttime, armed with guns and bayonets which were the property of the State, under cover of badges as deputy sheriffs of the county of Gaston, invaded a peaceable meeting of strikers, scattered the assembly with bayonets, rifle butts, and blackjacks, and seriously wounded a newspaper reporter going about his own business.

We might as well face the facts. The textile interests of North Carolina need not feel called upon to make common cause with the Loray mills in this situation. That situation was created by stupidity, hysteria, and prejudice heated white. That Gaston strike and all its complications of lawlessness on the part of law. Indifference to the rights of citizens on the part of the law, partisanship in an industrial dispute on the part of the law ought to be isolated and treated with desperate treatment as a cancerous growth on the industrial life of the State.

Mrs. Vorse also states:

A few days after this, the mill company began mass evictions. The 50 people evicted that first day lived in houses distributed through the different sections of the mill village. * * * The work of eviction continued relentlessly day after day. The mill

village became a gypsy encampment. People set up stoves and beds in the lots. The dwellers of 200 homes were evicted. Over a thousand people must have been homeless. (Op. cit., pp. 707–708.)

On May 7, the Washington (D. C.) Post carried the following dispatch under a Gastonia date line:

"Striking members of the National Textile Workers Union were facing a new and pressing problem tonight as police deputies began carrying out eviction orders issued today against 62 families formerly employed by the Manville Jenckes Co.

"The deputies began their dreary task at 2 o'clock this afternoon. As the chill of nightfall crept over the town they had entered 13 of the mill shacks, dragging the humble furnishings and cherished possessions out into the street. * * *

"For two families the eviction was a grave matter. Illness failed to stay the hands of the officers."

Undaunted, the workers set forth about erecting a tent colony and a new union headquarters with the aid of the Workers' International Relief. In response to the frequent threats that the new headquarters would be destroyed as the old one had been, the boundaries of the colony were patroled at night by an armed guard. On the evening of June 7 police officers, led by Chief of Police Aderholt, attempted to enter the colony. The striker guards demanded a search warrant. Another policeman tried to disarm a guard. In the scuffle a gun went off and the shooting began. Each side claims the other fired first. In the next few days 70 persons were arrested. Sixteen people, including three women, were held for first-degree murder, and seven others were held for conspiracy. (Mary Marvin Vorse, op. cit., pp. 708–709.)

At the subsequent trial, the State could not connect any of the defendants with the shooting of the chief of police. At this point one of the jurors conveniently went insane, and the case was declared a mistrial. The released jurors told the press that they were for acquittal on the basis of the evidence they had heard. (Ibid., p. 709.) A second trial was held at which nine of the defendants, for the most part local people and women, were dismissed. The other seven were found guilty of second-degree murder with sentences ranging from 5 to 15 years.

During the second trial increased disorders occurred. A mob went to a house in Gastonia where union organizers lived.

A hundred men crowded into the house and kidnaped Ben Wells, an Englishman, and C. D. Saylor and C. M. Lell, local men. They were driven to a wood in a neighboring county where Wells was stripped and flogged. Two opossum hunters heard his cries. The night riders heard the hunters approaching and thought it was the law and fled, leaving Wells unconscious, to be rescued by his companions. * * *

The culmination to mob violence came on September 14. A truckload of union members were going to an attempted union meeting. The meeting was never held, armed mobs turning away all union members. The truck turned back to Bessemer City, whence it had come, and was followed by a number of cars containing members of the mob. A car swerved in front of the truck apparently to stop it. The truck crashed it, and the car was upset. Immediately rifle fire was opened on the unarmed workers. A woman was shot through the chest and died instantly. She is a widow and leaves five young children. (Ibid., pp. 709–710.)

FURTHER VIOLENCE AT MARION

Violence and bloodshed were by no means limited to the strike in Gastonia. On July 11, 1929, employees of the Marion Manufacturing Co., at Marion, N. C., under the leadership of the United Textile Workers, A. F. of L., walked out. The company had refused to grant a workday of 10 hours with no reduction in pay. A month later the employees of the Clinchfield Manufacturing Co., at Marion, struck in protest against discrimination against union men, and for a reduction of hours. The workday had been 12 hours and 20 minutes. Disregarding a temporary injunction against picketing, the strikers finally agreed that old employees wishing to return to work could do so on condition that the companies imported no outside strikebreakers. Finally both plants agreed to rehire the strikers and to adopt the 55-hour working week at the old wages, the question of the hours to be voted on by the employees 6 months after the settlement. Less than a month later, the mill workers walked out to protest discrimination against members of the union.

A picket line was formed around the Marion mills, as the day shift left their jobs, to apprise the night shift of the new strike. The sheriff rushed to the scene, and ordered his deputies to fire at the unarmed pickets. Three were killed, and 21 wounded, 2 of whom died later. The majority of the dead and wounded were shot in the back while fleeing. Perlman and Taft, op. cit., p. 607.)

As a result of this massacre, the sheriff, 10 deputies, the superintendent of the Marion Manufacturing Co., and 3 of his employees were charged with murder. Thirty-two strikers were arrested—Raleigh News and Observer, October 4, 1929. Four of the strike leaders were eventually tried and convicted of rioting and resisting an officer. The leader of the Marion strike, Alfred Hoffman, who had figured also in Elizabethton, was sentenced to serve 30 days and was fined $1,000. The three other defendants were sentenced to 6 months in jail. The sheriff and deputies indicted for murder were acquitted by the jury on the ground of self-defense against the unarmed pickets.

1920'S—DRIVE FOR THE OPEN SHOP

The decade preceding the inauguration of President Roosevelt and the adoption of a national system of labor legislation was marked by an almost uninterrupted decline in union membership. There are several reasons accounting for this development, but one of the most important was the aggressive antilabor policy employed by a significant number of large firms in major industries.

This policy consisted of establishing clear-cut barriers to unionization of employees, as well as the adoption of a variety of programs designed to stress the community of interest of employers and employees. In addition, important industries, such as cotton textiles and clothing, made a conscious effort to avoid union organization by moving large mills to nonunionized areas, such as parts of the South.

The decade of the 1920's, which witnessed this fight against labor unionization by means of "welfare" activities by employers, has been called the period of the "personnel administration offensive."

By the end of 1920 a network of open-shop organizations covered the country. In New York State alone at least 50 open-shop associations were active. In 8 Massachusetts cities 18 open-shop associations were active. Cohesive antiunion fronts were organized in New Jersey, Connecticut, Rhode Island, Maryland, West Virginia, and Pennsylvania. Activities of employer associations in the Middle West areas matched the open-shop fervor evident in the East. Southern organizations joined as enthusiastic fighters The Far West—Idaho, Montana, Washington, and California—all had active open-shop associations. Early in 1921, 22 State manufacturers' associations met in Chicago, adopted the name "American Plan," and mobilized for the battle against the closed shop—John R. Commons and Philip Taft, History of Labor in the United States, 1896 to 1932, New York, 1932, page 491 and following.

Strategy was concentrated on the front of "ideals and sentiments." Propaganda emphasized "industrial democracy" of the employee-representation-plan variety.

A special report of the Senate Committee on Education and Labor, submitted in 1939, states:

In order to carry out its program the National Association of Manufacturers, together with other associations, organized in 1916 the Chamber of Commerce of the United States and the National Industrial Conference Board, the latter to provide factual data for the association's "educational" campaign. * * * Whereas, before 1920 this propaganda campaign was conducted on the slogans of patriotism and freedom, after 1920 it became what it always had been, a candid open-shop drive which was the spearhead for the antiunion movement then sweeping the country.

* * * * *

In this period * * * the association's representatives maintained their unyielding attitude on social legislation, just as they had done prior to 1913. They continued opposition to modification of the antitrust laws to exempt labor unions from the application of the law, legislation restricting the issuing of injunctions by Federal courts against labor unions in industrial disputes, regulation of child labor, regulation of the hours of work on Government contracts, the establishment of collective bargaining in employment relations among interstate carriers, and many other legislative proposals designed to correct some of the basic dislocations which gave rise to social unrest. (Digest of Report of the Committee on Education and Labor pursuant to S. Res. 266; Labor Policies of Employers' Associations, Part 3; the National Association of Manufacturers, U. S. Government Printing Office, Washington, 1939, pp. 8–9.)

Other methods of fighting unionization were not ignored. The yellow-dog contract was used as an effective weapon in checking the organizational efforts of trade unions and forestalling the introduction of the closed shop.

In accordance with the Hitchman doctrine, established by Supreme Court decision in the Hitchman case—for summary of case see Harry Millis and Royal Montgomery, Organized Labor, New York, 1945, pages 513 and following—yellow-dog contracts were held to be entitled to protection by injunction. The Court had held that a union's efforts to organize workers employed under oral contract not to join a labor union was

equivalent to inducing breach of contract and that an injunction to prevent such action was appropriate.

Use of the yellow-dog contract thus proved to be a highly effective device to break unions and to forestall closed-shop developments.

The drive against the open shop was extended, beyond the scope of recognition, into questions of trade-union wage-and-hour programs. In the fall of 1920, the open-shop book and job printers' associations began a campaign against the 44-hour week. In 1921, the National Forty-eight Hour League of Employers was formed by delegates from 39 States, representing 5,034 plants, and employing 150,760 printing workers. The typographical and printing pressmen's unions fought this campaign to revise the workweek schedules, particularly since only a few months previous the Joint Conference Council, which included the United Typothetae of America, the Printers League of America, and the International Association of Employing Stereotypers and Electrotypers, had agreed to adopt the 44-hour week. In fact the chairman of the closed-shop division of the United Typothetae admitted that the unions had a perfect moral case but nevertheless he was fighting the 44-hour week.

This is merely one example of the union-busting pattern set by employers during this period. In March 1921 the Big Five meat-packing companies declared their intention of abrogating their agreement with the union. The packers were determined that the union—the Amalgamated Meat Cutters and Butcher Workmen—had to go, and they resorted to a company union, coercing their employees to join the new organization. The Amalgamated, in protest against several wage cuts in violation of their agreement, finally was forced to call a strike. Although the number of workers on strike was estimated at 45,000 in 13 cities, and despite large picketing demonstrations, summoning of companies of National Guard men, and injunction suits by packers in a number of cities, the companies actually denied the existence of a strike, and they continued operations as far as possible.

The union's resources were too meager for a strike of such proportions, with such adamant, unyielding opposition. The strike was finally called off in February 1922; and the packing industry was back to the open shop.

In the men's clothing industry, in 1920, the clothing manufacturers of greater New York demanded that the Amalgamated Clothing Workers virtually relinquish any union control over jobs. Hostilities began with a lock-out of 16,000 in several of the larger shops, followed by a strike in the remainder of the industry, involving 65,000 workers. The union was willing to arbitrate, but the employers remained firm in their original demands. They also turned to attacks on the legal front, by filing damage suits against the union for the sum of $1,300,000 in addition to suits for injunctions and even for dissolution of the union.

The contest lasted 6 months before the employers finally accepted peace on union terms, which included a wage cut not to exceed 15 percent and standards of production under union control.

Even the railroad brotherhoods suffered from the strong antiunion wave. In 1920 the railroads were returned to their private owners, and soon thereafter there was a sharp reduction in railroad personnel, plus a concerted move to deflate railroad wages. In addition, the railroad authorities were extending the practice of contracting out work to outside shops in order to escape regulations established by the Railroad Labor Board. These regulations had granted shop employees a wage increase and, pending further consideration, had ordered no changes in wage or working conditions except by agreement between the carriers and their employees.

The contracting-of-work method quickly assumed menacing proportions. Not only was work given to outside shops, but through subterfuge on some lines the railways' own shops became formed into contract shops. This made possible the substitution of piecework rates for authorized methods of wage remuneration. In 1922 the Board ruled that this farming-out practice was in violation of the Transportation Act, but the carriers' association formally refused to accept the Board's decision.

In fact, the Pennsylvania Railroad went so far as to challenge the very right of the unions to speak for its employees, and agreed to negotiate only with persons selected as representatives under a company-sponsored employee representation plan. During the time which elapsed while the Board investigated the situation and the company thereupon secured an injunction prohibiting the Board from publishing its decision, the company gained the opportunity to consolidate and extend its company union. The final result of this, plus further attempts to decrease wages, was an industry-wide strike which began in July 1922 and was not finally settled until the following October, with agreement that complaints and disputes would be settled by a special joint commission.

An open-shop drive occurred in the maritime industry. In January 1921 the International Seamen's Union and the Marine Engineers' Beneficial Association were approached by the American Shipowners' Association and the United States Shipping Board with a proposal that a new agreement should allow a 25-percent reduction in wages and no overtime pay. Negotiations dragged on, and 11 days before the expiration of the old agreement new demands were made—including abolition of the privilege of union representatives to enter docks or board vessels, and withdrawal of preference to union men in hiring.

The result was that on May 1, 1921, when the old agreement expired, all American shipping from New York to Texas was tied up by a strike. At the end of the second week of the strike, 300 pickets were under arrest in Gulf and Atlantic ports on charges of vagrancy.

The strike was weakened by the acceptance by the Marine Engineers' Beneficial Association of reductions in overtime pay. Return of the engineers made victory by the unions impossible. Finally, after 52 days, the strike was ended with a return to work without an agreement.

The impact of this defeat dealt a devastating blow to the seamen's union. Its membership dropped 50 percent within a year, and by 1923 it was barely 20 percent of what it had been at the evening of the strike. The defeat meant blacklisting and discrimination against union men.

This was generally the case in every union which waged an unsuccessful battle against the open-shop drive, and this postwar drive to liquidate labor's wartime achievements appeared on the entire industrial front. In the highly organized trades, wage deflation and weakening union control were management's twin objectives. In poorly organized industries, the attack was mainly on wages and hours.

Mr. President, I have dwelt for some time on this discussion of the labor-management situation after the last war, because there are important lessons which we must learn from the bitter experiences of that period.

During the First World War, significant strides had been made in the field of important labor legislation and in the over-all recognition of trade unions in the political and economic scene. Unionism was represented by Mr. Samuel Gompers on the advisory council of the Council of National Defense. The President's Mediation Commission, established in 1917, also included a labor representative. That board was charged with the responsibility of settling labor-management controversies in industries essential to the war effort, and thus it had to establish certain standards and to develop basic labor-relations policies. Underlying those principles was recognition by the board of the right of workers to bargain collectively through representatives of their own choosing, and recognition that workers were not to be discharged for trade-union membership, nor were they in any way to be subject to discrimination because of such membership. Union rates were to be paid where they had been customary in the past, and the living-wage principle was to be made applicable to all workers.

In the period immediately following the war, however, withdrawal of Government protection of labor's right to organize, management's disposition to reassert its prewar prerogatives, the lag of money wage-rates behind the rising cost of living, and the tendency of employers to withdraw the recognition accorded unions during the war, served to accentuate industrial unrest.

A National Industrial Conference, attended by public, labor, and management representatives, convened at the invitation of President Wilson in 1919 to plan labor-relations programs in the postwar era. The conference failed, owing to inability of the delegates to agree that collective bargaining should mean bargaining between employer and union representatives indipendent of any employer influence and control. Labor's representatives had insisted upon recognition of the right of workers to be represented by delegates of their own choosing; employer representatives insisted that no employer should be obligated to meet for

purposes of collective bargaining with other than his own employees, and that collective bargaining be so defined as to include negotiations with shop committees and employee-representation organizations as an alternative to trade unions.

One of the crucial points which are clearly highlighted by this review is that the policy of the Government toward labor organization exerts a profound effect on the status of industrial relations. Following a period of relative quiescence in labor-management relationships, in a period calling for drastic changes in our living pattern—we call it reconversion—serious disagreement, even some strife, is inevitable. But there are clear indications that during the twenties labor-management disputes were seriously aggravated by the sharp change in the Government's labor policies. Its "hands off" attitude on such basic issues as labor's right to organize and bargain collectively—at a time when some clear-cut statement guaranteeing those economic rights to workers was needed—contributed to a relatively chaotic condition in the area of labor relations.

The long-run economic and social loss suffered in this country by allowing the antiunion open-shop drive to run rampant is immeasurable. Who knows what effect a labor policy such as is now embodied in the National Labor Relations Act might have had on the economic history of the United States?

An important point to be remembered is that we must not permit any repetition of the tragic developments of the twenties by allowing the emasculation of any part of the NLRA or by approving any antilabor legislation which would in effect turn back the clock of our labor-relations history.

COMPANY UNIONS

In this discussion I have referred to the establishment by employers of company unions which were organized as a tool with which to fight bona fide trade-unions. Let us examine the organization of these so-called unions, and their full implication in terms of the development of trade-union movement.

A company union is an organization confined to workers of a particular company or plant, which has for its apparent purpose the consideration of conditions of employment.

When this method of handling labor matters was carried on by informal committees, the whole arrangement was commonly referred to as an employee-representation plan * * * however, in cases where more formal procedure was developed, such as written constitutions, elections, membership meetings * * * and dues.

The term "union" might more appropriately be applied.

In 1935 the Bureau of Labor Statistics of the United States Department of Labor made a study of 126 company unions in order to determine how effective they were as agencies representing interests of the workers, how self-supporting and free from employer domination they were, and to evaluate their general effectiveness in collective-bargaining procedures.

I quote from a Bureau of Labor Statistics report based on this study:

Examination of a representative group of 126 company unions indicates that their establishment was frequently due to the pressure of trade-union activity, either in the form of organization drives or strikes in the trade or vicinity.

At the time of this study the great majority of company unions had been set up entirely by management. The management usually conceived the idea, developed the plan, and initiated the organization. In a number of cases one or more employees played a part in initiating the company union, but in some of these employee initiative was more apparent than real. In others, the company accepted an employee's suggestion for such an agency, and then created the organization, but company unions were almost never established without some assistance from management.

Frequently, management applied varying degrees of pressure, including in some cases discharge of trade-union members and threats to close down the plant unless the company union was established.

I continue reading:

The existence of a company union was almost never the result of a choice by the employees in a secret election in which both a trade union and a company union appeared on the ballot. In one-third of the plans studied by the Bureau of Labor Statistics the employees were offered a chance to vote in a secret election in which expression of opinion was limited to a vote for or against the company union. In some of these cases the company union was formed even when the vote was in the negative. In another third the company unions were installed without any expression of choice by the workers, while in about an equal number of cases their choice was registered by signature to a membership roll or petition or by open vote at a public meeting.

All but a few of the company-union constitutions either specifically or by implication made the management a party to the functioning of the employees' organization. The management could veto amendments to the company-union constitution in a substantial number of instances and could even abolish the company union in a few cases.

Most of the company unions studied relied entirely upon the management for their finances. Many others received more or less important financial assistance from the employer. Such financial dependence generally meant that proposed expenditures by the company union had to be approved by the management. Less than 10 percent of all the company unions appeared to be financially self-supporting. The rate of dues was in most cases considerably below trade-union levels, and few of the company unions had substantial treasuries.

Just as the company union was confined to employees of the company, so its officers and representatives almost invariably had to be employees. A few of the company unions had full-time salaried officials. Some of these were paid by the company, and all were former employees of the company.

A majority of the company unions required that the employee representative must personally attempt to adjust a grievance before it could be taken up by the more formal company-union machinery. The effect of such an arrangement was to relate the prosecution of grievance cases to the energy and courage of an employee who must face his superiors without the backing of an organization free from the employer's control.

In view of the emphasis placed upon the company union as an agency for adjusting individual grievances, it is significant that one-third of the company unions handled no such matters. According to persons interviewed regarding company unions which did take up individual grievances, approximately one-third of this group did so effectively, another third with limited effectiveness, and the remainder ineffectively.

Company unions were less effective in handling general questions of wages and hours than in handling other matters. In nearly half of the cases no general wage increases were requested or negotiated by the company union between January 1933 and July 1935. This does not mean that there were no wage increases in these plants. Since it was a period of rising prices and business improvement, some of these companies gave increases but the company unions played no part in securing these increases.

Such wage adjustments as did take place, following requests by company unions, were in most cases not a result of any process which might be termed negotiation or collective bargaining. In some instances, it appeared that the wage increase which management had decided to make was announced through the company union in order to increase the prestige of the company union. Many requests for increases were refused by the management without any negotiation, and with a simple statement that conditions did not warrant any increase or that wages were above those in other plants.

In negotiations concerning wages and hours of work, company unions were handicapped by a number of factors. Important among these was their lack of knowledge of the financial condition of the company and of comparative wage scales in the industry. They lacked, in practically all cases, any regular contacts with company unions outside their own plants. Most of them had to rely entirely upon the statement of the situation as presented by the management. Practically none of the company unions had hired outside experts for assistance in negotiations with the management. Most of the organizations were not considered as having the right to hire such assistance, while few of those which had the right possessed the necessary funds.

More fundamental was the company union's inability to bring any pressure upon the employer. In most cases aggressiveness could take the form only of reiterated requests for consideration of the petition of the company union. Practically all of the organizations specifically or by inference disavowed the use of the strike and only a negligible number had funds sufficient to carry on a strike for any length of time.

Most important of all, perhaps, the company unions were hampered by their inability to influence wage conditions in more than one plant. Although prevailing wages were specifically recognized as a determinant in wage negotiations in many cases, the company unions had no machinery for affecting conditions in competing plants.

Company unions generally lacked adequate means for ascertaining the wishes and problems of the employees. Two-thirds had no provision for regular meetings of employees; some of the others met only once a year. General membership meetings are vital to any organization which seeks to keep in intimate touch with the desires and aims of its members. Where regular and frequent employee meetings were not held, no chance was given to employees as a body to discuss general problems and policies which were of interest to them. Furthermore, except in those few cases in which employee representatives were allowed time off to see their constituents, employees had no regular machinery for conveying their individual views and interests to their representative.

The company unions studied evinced little interest in matters of social or labor legislation and were even less active in presenting the views of employees on such matters. There was little discussion in their meetings regarding matters of labor legislation or national policy affecting their interests. When such matters were discussed, the company-union spokesmen were likely to present information and statements which had been given them by the management.

In the summary this report evaluates the company unions studied as follows:

At one extreme were a large number of company unions—more than half—which performed none of the functions usually embraced under the term "collective bargaining." Some of these were merely agencies for discussion. Others had become essentially paper organizations after their primary function, the defeat of a trade-union, was performed. About one-tenth of the company unions studied, although claiming broader functions, were in reality concerned only with benefit and welfare matters. While their activities along these lines may be important, it is misleading to represent them as agencies for collective bargaining. It does not necessarily follow that this type of organization violated the wishes of the majority of the employees concerned; it is possible that the employees may have been averse or at least indifferent to any other kind of organization.

Another group of company unions, about one-third, were undertaking only a few of the activities in which trade-unions normally engage. These company unions concerned themselves with individual grievances and certain matters relating to working conditions; but broad questions of wages and hours, if they were discussed at all, had not been submitted to a process of negotiation and bargaining. Where these company unions had been successful in the limited area of grievance adjustment, a liberal, intelligent attitude on the part of the management had been an important factor. With careful cooperation by the management about half of the company unions in this group had become effective avenues for the adjustment of individual grievances.

The degree of isolation in practice was even greater than that inherent in the structure of a union limited to the employees of a single company. Thus, few interested themselves in any proposed legislation or governmental action affecting workers. They did not hire persons outside the plant to assist in negotiations with their employers. Neither did they seek arbitration by impartial outsiders of requests refused by the employer. So rarely was strike action even considered that the threat of withholding their labor played virtually no part in negotiations with their employers. Finally, the most vigorous of these organizations had no means for marshaling the support of large bodies of workers to influence the terms of the labor contract beyond the confines of a single company.

Viewed broadly, company unions, which are generally viewed as being "tainted" independent unions, have been a product of the open-shop struggle, reaction by business to Government laws, and the so-called welfare capitalism.

One of the earliest employee representation plans in the United States was introduced in the Filene Store in Boston in 1898 as the Filene Cooperation Association. By 1926 according to a study of the National Industrial Conference Board, there were 432 companies with 913 plans, the plans covering 1,369,078 workers. From 1919 to 1932 "membership" in company unions, according to this report, had increased 213 percent, while during the same period per capita taxpaying membership in AFL trade unions had decreased 22 percent. In other words, while in 1919 coverage of company unions was approximately one-tenth as large as the trade-union membership, in 1932 it was four-tenths as large.

In September 1920 the United States Chamber of Commerce published the results of a referendum vote of its members, showing that a large majority of them endorsed open-shop dealings with shop committees. We have seen evidence of the results of this pro-open-shop sentiment in the review of the anti-trade union drive during the decade of the 20's.

During the period of the early thirties, marked by the great depression and the comparatively ineffective and discouraged trade union movement, the company union movement, despite a relative decline, continued to hold its own in such important industries as oil refining, electrical manufacture, public utilities, telegraph and telephone, meat packing, farm machinery, and some branches of the metal trade. More than ever, they found their place in plants operated by very large companies. For example, plants employing 1,000 or more workers accounted for almost 98 percent of employees covered by company union plants, according to the National Industrial Conference Board report mentioned above.

In 1935 the National Labor Relations Act was passed, making it an unfair labor practice for an employer "to dominate or interfere with the formation or administration of any labor organization (including company unions)." The Board has established a set of standards in accordance with which it determines whether or not an employer is guilty of domination or interference with a labor organization, that is, whether or not such organization is a company union. From 1935 to 1943 charges alleging unfair practices by employers regarding company unionism constituted 15 percent of total charges of unfair labor practices received by the Board, although the Board found violations in only about one-third of the cases in which charges had been filed.

Since the favorable Supreme Court decisions of April 1937 regarding the NLRA as interpreted and applied by the Board, there has been a marked change in the extent of company unionism. Dissolution orders have been carried out in a significant number of cases, and, in many other cases, old company unions have been reorganized as bona fide independent labor organizations.

In 1936 Mr. David Saposs summarized the effect of the NLRA on company unionism as follows:

A combination of factors since the advent of the New Deal is responsible for a tendency to readapt company unions. The new legislation, guaranteeing the right of workers to self-organized, self-directed, and self-financed labor organizations for the purpose of collective bargaining, is materially affecting the nature and character of employee representation plans. The ruling by most of the labor boards intrusted with the enforcement of this legislation that labor organization is the sole concern of the workers has been an additional stimulus to the readaptation of company unions. The simultaneous assertiveness of the trade movement, with its spread of union activity to important industries in which it had been previously quiescent, and the general public sentiment that workers should have a right to organize for collective bargaining have accentuated this tendency. (Saposs, David J., "Organizational and Procedural Changes in Employee Representation Plans, Journal of Political Economy, vol. 44, 1936, pp. 803ff.)

STRIKEBREAKING

Further study of antiunion practices serves to emphasize the importance of sound labor legislation which prohibits flagrant attempts to destroy trade-unionism—and to emphasize the danger of antilabor legislation which would weaken the strength and bargaining position which has been attained by organized labor.

A review of violent strikebreaking practices by employers during periods of trade-union organization presents a bloody picture of the history of industrial relations developments in this country.

Probably the best summary account of antiunion practices, particularly since 1933, is found in the now famous hearings and reports of the Senate Committee on Education and Labor, which investigated "violations of the rights of free speech and assembly and undue interference with the right of labor to organize and bargain collectively." The Senate investigation revealed the shocking facts of how labor spies and pseudo police agencies had been loosed upon labor. The revitalization of the labor movement which began to occur in 1933 brought prosperity to the labor-detective agency, the strikebreaker, and the purveyor of gas and machine guns to industry.

The following excerpts from hearings and reports of the committee tell in simple, direct fashion the dramatic and terrible story of antilabor practices employed against union members in an attempt to break organization attempts, destroy unions, and terrorize employees who evidenced sympathy with labor-union activities.

Mr. President, the following excerpts are from hearings and reports of the Senate Committee on Education and Labor:

The committee has learned that there has existed an established business of supplying weapons especially adapted for use in industrial disputes. The weapons furnished for such use were principally the various forms of tear and sickening gases, with equipment such as grenades, shells, and guns for discharging them. Submachine guns are also supplied for such use, though to a lesser extent. Because such weapons are designed and adapted for use by public authority in the exercise of police power in conditions of civil disorder, their purchase and possession by private employers raises problems of far-reaching significance. The committee found that gas weapons are widely purchased by employers and frequently used by them in industrial disputes, and that submachine guns have, to a lesser extent, been so purchased and so used.

A study of the purchase of such weapons by employers revealed that both machine and submachine guns and gas weapons are bought most frequently either in anticipation of, or during, labor disputes. A study of

the records of selected employers, concerning the purchase of revolvers, rifles, and shotguns, indicates that purchases of such weapons in quantities above the necessary minimum required to equip plant watchmen and to guard valuables, was inspired by the fear of strikes, or labor disputes.

The committee's investigation disclosed not only that industrial munitions were purchased by employers at critical periods in the course of their relations with their employees, but also that such purchases bore marked correlation to the labor policies of such employers. Almost invariably those employers who have assumed an attitude of hostility to bargaining with so-called outside unions have been discovered to be largest purchasers of industrial munitions. Conversely, the establishment of cordial relations based on the principles of collective bargaining seems to appease the appetite for arms, and terminate the purchases of such weapons.

A large proportion of the strikes suffered by such employers involved the issue of recognition. In many cases such employers resorted to labor espionage, or employed strikebreaking agencies to use the weapons they had acquired.

Resort to arms by workmen is a rare occurrence, whereas the practice of industrial munitioning on the part of employers is widespread and commonplace.

The fact that munitions companies, in their sales efforts, lay consistent and primary emphasis on employers and corporations, both as purchasers of munitions themselves, and as influential in inducing law-enforcement agencies to make purchases, is indicative of the purpose and character of industrial munitions.

The munitions companies do not sell to labor organization. While sales to employers comprise roughly more than one-half of the total business of these munitions firms, there is no record, that the committee has been able to discover in its whole comprehensive investigation, that any of these companies sold any gas or gas equipment to any labor organization or the members thereof. John W. Young, president of Federal Laboratories, Inc., testified before the Special Senate Committee Investigating the Munitions Industry that he had not made any sales to labor organizations and, furthermore, that he had never been requested to do so. The Lake Erie Chemical Co. followed the same policy.

In describing the kinds of munitions used in industrial disputes, the committee reported:

The firearms include pistols and revolvers of all calibers from .22 target pistols to heavy police and Army-type service revolvers, rifles, shotguns, machine, and submachine guns. Among the rifles are stands of Springfield Army models as well as varieties of carbines and arms of lighter calibers. The shotguns are of automatic, pump, repeating, and single-action type, both long barreled and sawed off. Most deadly of the arms found in the possession of employers are machine guns, machine rifles, and submachine guns. A hint of the warlike, as distinguished from policing, character of some of industry's arms is given in the inventory of one company which included 5 tripods and 2 gun carriages for its 8 Army-type machine guns. Large quantities of ammunition were found on hand for all these weapons.

The committee found evidence of innumerable kinds of clubs which were purchased, manufactured, or stored as part of industry's arsenals. Baseball bats, ax handles, "coronation sticks," blackjacks, billies, metal pipes, steel bars—all appear in the record. In some cases these were manufactured in plants immediately prior to or during strikes. During one strike the company guards were armed with pieces of steel reinforcing material with taped handles. During another strike, great ingenuity was used by employees in the plant in constructing weapons with which pickets were bombarded from the plant. Compressed-air guns, used to operate chipping hammers for the chipping of steel billets, were rigged up to shoot slugs of steel with great force at the picket posts near the plant gates.

The improvisation of weapons was on one occasion carried to the extreme, according to the testimony of a professional strikebreaker, of stringing high-tension electric wires around a plant and arranging hoses for turning live steam upon strike pickets.

In its investigation of the correlation between the purchase of gas and the labor-relations situation in plants of the purchasers, the committee found:

Out of $490,598.93 worth of gas purchased by the 80 largest private purchasers of gas between January 1933 and June 1937, $401,127.75 worth was bought during strikes or when strikes were threatened in the plants of the respective purchasers. Thus, over 80 percent of these purchases were made during or in anticipation of labor trouble. Even more striking is the conclusion that can be drawn from the tabulation of the causes of the disputes before or during which the gas was purchased. The demand for union recognition recurs constantly, either alone or in conjunction with other issues, such as wages and hours. In all, $364,507.14 worth of gas was purchased before or during strikes or strike threats in which union recognition was the exclusive or contributing factor. In other words, the largest purchasers of tear gas have bought more gas when confronted by demands for recognition than under any other circumstances.

The report continues:

The Little Steel strike of 1937 provided the largest demand for gas munitions ever created in the United States. In preparation for and during the strike the Republic Steel Corp. purchased $53,804.97 worth of tear and sickening gas and gas equipment; the Bethlehem Steel Corp. purchased $32,735.64 worth; and the Youngstown Sheet & Tube Co., $16,513.50. The total for these three companies during the months of May and June 1937 is $103,054.11. Additional purchases of other types of arms were made by Republic Steel Corp. and Inland Steel Co. during this strike and Republic purchased 240 assorted baseball bats and hickory and oak clubs at its Monroe, Mich., works. Inland Steel Co., of Indiana Harbor, Ind., purchased $518 worth of rifles from the American Munitions Co., of Chicago, Ill., on May 26, 1937, the first day of the strike.

In the Republic Steel strike in Canton, Ohio, in 1935, the munitions used and the purpose were described by one of the guards using them—a Republic policeman. I quote verbatim from the testimony presented:

Senator LA FOLLETTE. What did you do in the Berger strike, if anything? What were your duties?

Mr. MOORE. Our bunch broke the picket line.

Senator LA FOLLETTE. How did they break the picket line?

Mr. MOORE. With gas bombs and gas guns and clubs.

Senator LA FOLLETTE. How did they go about doing that?

Mr. MOORE. They rode us up in an armored truck and drove us out in the street about two blocks, and we unloaded and came back after them.

* * * * *

Senator LA FOLLETTE. What did you do, if anything, so far as the pickets were concerned?

Mr. MOORE. Well, as soon as we got out of the automobile we started to open up with these guns—gas guns, long-range guns—and threw gas bombs and used revolvers, gas guns, short revolver gas guns, and steel pipe.

* * * * *

Senator LA FOLLETTE. Was there any comment made by anybody connected with the officials on the activity of these 40 guards who went out with you in this armored truck?

Mr. MOORE. Chief Williams.

Senator LA FOLLETTE. What did he say?

Mr. MOORE. Good job.

In further consideration of anti-labor tactics employed by employers, the Senate committee reported:

Private police systems are created to meet the economic needs and desires of private interests. They are paid from private funds and act as the agents and servitors of their employers, who occupy their positions by virtue of their ownership of property or as appointed agents of stockholders or owners. There is no final accountability and corrective for antisocial actions of private police except criminal proceedings in the courts or statutory limitations on their activities. Private police systems, therefore, cannot be viewed as agencies of law and order.

When the armed forces of the employer are injected into the delicate relations of labor and management, the consequences seriously threaten the civil rights of citizens and the peace and safety of whole communities. Private police systems, whenever used as an instrument of labor-relations policy, constitute a menace to public peace, whether they are invested with the police power of the State as deputies, whether they operate in a company town, or whether they act as agents of large corporations in duly incorporated, self-governing communities.

The use of private police systems to infringe upon the civil liberties of workers has a long and often bloodstained history. The methods used by private armed guards have been violent. The purposes have usually been to prevent the exercise of civil rights in the self-organization of employees into unions or to break strikes called either to enforce collective bargaining or to obtain better working conditions for union members.

In the past, company-owned and controlled towns, implemented by systems of company-paid armed guards, have created conditions approximating industrial peonage. Governmental bodies, from time to time, have investigated such situations and have condemned unsparingly, not only the economic coercion exercised by employers in such towns but also the more direct physical coercion effected under such conditions by the police forces of employers. Early investigations reveal that the private company police system is a traditional element in the pattern of employer domination in the company town.

The United States Coal Commission, created by an act of Congress approved September 22, 1922, investigated conditions in the coal industry. Its report submitted in 1925 shows abuses of police power and the suppression of civil liberties:

In Logan County the sheriff has nine regular deputies and many others who are stationed at the mines. Many of these are stable bosses, paymasters, and office guards, sanitary officers, etc. One of their special duties is to keep a sharp lookout for union organizers, and to devise ways and means to discourage them from remaining longer than the next train. The steep mountainsides converge at the banks of the Guyan River

and a railroad bed has been cut out of the side of the mountain. There is here and there an impassable road, but, generally speaking, all the ground except the bed of the creek is privately owned, and a union organizer can scarcely move off the station grounds without becoming, technically, at least, a trespasser. Once his business is discovered, it is the duty of the deputy sheriffs to prevent his activity by ejecting him from privately owned property. Actually, without the consent of the operators, a union organizer can do little more than ride on a train and look out of the windows. The operators' associations do not deny that it is their determination to keep out organizers, or "agitators," as they call them. They assert that their right to exclude objectionable persons from their mine property is as clear as the right of a manufacturer in Chicago or a home owner in Washington to exclude undesirable persons from their premises. Whatever may be the legal phase, it is undoubtedly a fact that under present conditions Logan County, as well as Mingo and McDowell Counties, W. Va., is now closed to representatives of the miners' union, especially if they engage in union activities."

The Senate committee reports indicate that strike services provided by private detective agencies apparently have been very profitable. The Burns agency, for example, sent a letter to its office managers in 1933 which read in part as follows:

A great many strikes are taking place and many more are contemplated, and in addition to undercover work there is a great field for furnishing guards to those organizations which are having labor disturbances. This work is very profitable inasmuch as it does not entail any substantial overhead expense.

The Bergoff Industrial Service, Inc., of New York advertised a "propaganda department" to prevent strikes, composed of men of "unusual persuasive powers." The list of references included a number of important corporations all over the United States.

I read:

The Saile Pierson Detective Service of Philadelphia, Pa., advertised both guards and strikebreakers. Its list of wares is imposing.

Strike prevention department: This department is composed of men possessing natural leadership qualifications. Men of intelligence, courage, and great persuasive powers, to counteract the evil influence of strike agitators and the radical element.

Undercover department: Our undercover department is composed of carefully selected male and female mechanics and workpeople. They furnish accurate information of the movements and contemplated actions of their fellow employees; "Forewarned is forearmed."

Open-shop labor department: This department is composed of an organization equipped to supply all classes of competent mechanics and workpeople to keep the wheels of industry moving during a strike.

Protection department: This department is composed of big, disciplined men with military or police experience, for the protection of life and property.

Investigation department: Our investigation department is international in scope and embraces all branches. The personnel is composed of male and female operatives of the highest caliber.

In 1937 the Senator from Wisconsin [Mr. LA FOLLETTE], in a preliminary report of the committee, stated:

When the employer's hostility (to tradeunions) is forced into the open the detective agency * * * furnishes guards, ostensibly for plant protection, but actually for breaking strikes or provoking disorder. * * * Drawn from the underworld, a large number of these men have criminal records. * * * Creating violence once they have arrived on the scene is a corollary of their employment. * * *

The employers and (detective) agencies have two separate interests vested in violence. The agency's interest in violence and, by the same token, that of the strikebreakers, is that it will prolong and embitter the fight so that a stronger guard will be called out and more money expended through the agency. The employer's interest in violence is that it shall, by being attributed to the workers, bring discredit to them, thus alienating public sympathy for their cause.

The use of strikebreakers has been a familiar practice among antilabor employers.

In 1892 both the House of Representatives and the Senate authorized an investigation of the use of imported armed guards by the Carnegie Steel Co. during the strike of the members of the Amalgamated Association of Iron, Steel, and Tin Workers at its plants in Homestead, Pa. The investigating committee discovered that:

H. C. Frick, manager of the Carnegie Steel Co., had engaged 300 Pinkerton guards, who entrained in Chicago, New York City, and Philadelphia, proceeded to Pittsburgh, where they were armed with Winchesters, loaded onto a barge, and sent to Homestead. Their attempts to land provoked a bloody struggle with the strikers, which shocked the entire country. The committee found that the Pinkertons—as private citizens acting under the direction of such of their own men as were in command * * * fired upon the people of Homestead, killing and wounding a number.

The Senate Committee on Education and Labor reported:

The use of the strike guard has been justified on the basis of the necessity of providing adequate police protection for the strikebreakers or the plant property. The investigations and reports, however, reveal that the presence of the guards, far from providing order or protection, usually resulted in disorder and violence. The record piles up incident after incident of unwonted aggression and brutality on the part of these men, so that their role appears to be the deliberate exercise of intimidation and terror.

For example, in the copper miners' strike in the Michigan Peninsula in 1913 the Waddell-Mahon Corp. supplied 112 guards who, in company with 150 guards sent by the Ascher Detective Agency, of New York City, took over the functions of law-enforcement officers. The guards of both these agencies were involved in violence and shootings, culminating in an unwarranted attack on a miners' boarding house. The Waddell men emptied their revolvers into the house, which contained men, women, and children, riddling it with bullets, wounding four men who were at dinner and killing two others.

Brazenly, the Waddell-Mahon Corp. advertised its services in this strike as proof of its effectiveness in the breaking of strikes. One of its brochures, distributed to employers in 1913, reads, in part, as follows:

"As an evidence of our ability as strikebreakers, we invite your attention to the labor difficulties now ensuing along the copper range of the Upper Peninsula of Michigan between the Calumet & Hecla Copper Co., the Commonwealth Copper Co., the Quincy Copper Co. et al., and the Western Federation of Miners. * * * We ask you to watch the progress of the present strike, because we know it will be a triumph for law and order, a triumph for the mine owners, and will furnish still another evidence of the success we have always met with in breaking strikes. We ask you to judge us by results."

The report continues with the following account of activities of an employers' association:

The National Metal Trades Association, with a membership of 952 manufacturers of metal trades products with plants located in Northern States east of the Mississippi was examined by the committee. Companies having union agreements were not admitted to membership in this association. The bylaws provided that in case of disagreement with his employees, the member must communicate with the association. Upon approval by the governing body of the association, it, the association, assumed complete control and direction of the strike situation.

The resources of the whole association could be thrown into the strike. It stood ready to assist in procuring workers to replace the strikers to the extent of seven-tenths of the number of striking employees. The association paid the cost of recruiting and transporting the strikebreakers as well as the cost of housing and feeding them in the plant, if that were necessary. Their wages were to be paid by the employer, but the association apparently paid bonuses or extra compensation. The association also recruited, transported, and supervised guards in such numbers as it deemed necessary, paying all their expenses and wages. It maintained a card file of available guards. Strikebreakers were recruited through the branch offices of the association.

The strikebreaking expenses of the association were paid out of its defense fund, established to defray its undercover and strikebreaking work and the salaries of its officials engaged on such work. This fund was sustained by dues from members, assessed on the basis of the number of metal-working employees hired by each member. At the end of 1936 this fund contained a surplus of $214,028.53.

Study of a strike in the rubber industry revealed the following situation:

The Ohio Rubber Co., of Willoughby, Ohio, joined the Associated Industries of Cleveland on August 11, 1933. A strike of its employees occurring in February of 1935, which was marked by violence and intense bitterness, was the culmination of a labor-relations policy based upon a refusal either to enter into a written agreement with the union of its employees or to recognize that union as exclusive bargaining agent for its employees.

As soon as the strike began the company secured 10 additional strike guards from the Associated Industries of Cleveland, making a total of 15, in addition to the regular plant police. In addition the company applied to the sheriff and county prosecutor for guards. Fifty men were hired by the county and city from the McGrath Detective Agency in Cleveland. All these hired guards, as well as 31 citizens of Willoughby, were deputized, thus providing a force of 133 men.

Tear gas and gas equipment purchased from the Lake Erie Chemical Co. constituted the principal armament of the guards. A complete arsenal of jumper-repeater tear-gas candles, three long-range field guns, and a large supply of shells was shipped to the Ohio Rubber Co. on February 19 and 21. The total cost of this armament (including sales tax) was $2,473.02. In addition, the company had the use of a demonstration long-range gun loaned by a Lake Erie salesman, and of a repeating gas gun purchased from the Manville Manufacturing Corp. On February 25 additional gas supplies were secured which cost the company $867.67. The gas equipment of the guards supplied by the county was also secured from the Lake Erie Chemical Co.

The strike was only partially effective. Picket lines were established shortly after

the strike was declared. Detailed instructions were given to the pickets to "conduct themselves in an orderly manner, but to be able to protect themselves in the event that guards came out of the plant and attacked them."

Violence characterized the strike, however, from its beginning. The company had created an explosive situation. The course of its activities preceding the strike can justly be construed as incendiary.

One of the worst strikebreaking cases on record was that of the Remington Rand Corp., where the famous Mohawk Valley formula was introduced. In essence the scheme of the formula involved:

Conducting of a strike ballot by an employer, with misrepresentation of the issues involved and the strength of the union; (2) labeling the union leaders 'agitators' and 'radicals'; (3) economic pressure on the community, through threats to move the plant, in order to stimulate the formation of a citizens' committee by means of which public opinion could be crystallized against the strikers; (4) the amassing of a large police force to preserve 'law and order' and intimidate the strikers; (5) emphasis on the violent aspects of the strike to hide the employment of strikebreakers; (6) the organization of a back-to-work movement accompanied by extensive advertising; (7) a theatrical opening of the struck plant; (8) the combined show of police force and pressure by the citizens' committee; (9) the complete cessation of publicity once the plant was operating at near capacity.

This case marked the first prosecution under the Byrnes Act and was the subject of hearings before the NLRB. The Board found the company guilty of violating section 8, subsections 1 and 5, and also of interfering with, coercing, and restraining its employees in the exercise of the rights guaranteed under section 7 of that act.

The decision and findings of the Board give a detailed and exhaustive picture not only of the Remington Rand strike but of the important role played in it by various strikebreaking and detective agencies and the procedure undoubtedly followed in other strike cases involving antilabor activities by the employer.

Mr. President, the Committee on Education and Labor has reported to the Senate a bill which represents the results of exhaustive hearings. It is a bill designed to meet the problems of industrial disturbances such as are today tormenting the country. It is not the result of hasty, prejudiced action. It is the result of a long and careful study of many points of view—employers, labor leaders, representatives of church groups, and experts in the field of labor relations.

We had before the committee such men as William H. Davis, former Chairman of the National War Labor Board; and William M. Leiserson, former National Labor Relations Board member and Chairman of the National Mediation Board which administers the Railway Labor Act. The committee considered all manner of proposals for legislative action ranging all the way from stringent prohibitions against union activities to proposals for the strengthening of the existing United States Conciliation Service.

It would have been easy for the members of the committee to take the lines of least resistance. We could have taken the easy course and joined in recommending restrictions on labor in the narrow spirit of the Case bill. This would have been the popular course with many people in the country who fail to understand the seriousness of the situation. This course would have required no independent thinking. It would have recognized the clamor and excitement of the moment, and would have won the approval of all who think there is an easy and short-cut road to industrial peace. Such a course would be a fatal obstacle to peace and cooperation in American industry—if our American way of life is to continue.

The spirit of democracy has come slowly into our industrial system in the wake of bitter suffering and protracted struggles. Let us not see it destroyed by oppressive and ill-considered legislation at this time, which will destroy all hopes of ushering in a period of cooperation and prosperity in our country.

Mr. PEPPER. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. McCLELLAN in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hatch	Overton
Andrews	Hawkes	Pepper
Austin	Hayden	Radcliffe
Ball	Hickenlooper	Reed
Bankhead	Hill	Revercomb
Barkley	Hoey	Robertson
Briggs	Huffman	Saltonstall
Brooks	Johnson, Colo.	Smith
Buck	Johnston, S. C.	Stanfill
Bushfield	Kilgore	Stewart
Byrd	Knowland	Taft
Capehart	La Follette	Taylor
Capper	Langer	Thomas, Okla.
Connally	Lucas	Thomas, Utah
Cordon	McCarran	Tunnell
Donnell	McClellan	Tydings
Downey	McFarland	Vandenberg
Eastland	McMahon	Wagner
Ellender	Magnuson	Walsh
Ferguson	Maybank	Wheeler
Fulbright	Millikin	Wherry
George	Moore	White
Gerry	Murdock	Wiley
Green	Murray	Wilson
Gurney	Myers	Young
Hart	O'Mahoney	

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from Virginia [Mr. BYRD], as modified, as a substitute for section 8 of the committee amendment on page 28.

Mr. PEPPER. Mr. President, on behalf of myself, the Senator from Montana [Mr. MURRAY], and the Senator from Oregon [Mr. MORSE], I send to the desk the amendment which we offer as a substitute for the pending amendment, as modified, by the able junior Senator from Virginia [Mr. BYRD]. I ask to have the amendment stated.

The PRESIDING OFFICER. (Mr. HUFFMAN in the chair). The amendment will be stated.

The Chief Clerk. In lieu of the amendment offered by Mr. BYRD, it is proposed to insert the following:

SEC. —. (a) It is hereby declared to be the policy of Congress to encourage and facilitate the establishment and maintenance of approved plans within industry for providing hospital, medical, and home-nursing care and services, insurance, vocational rehabilitation, and other benefits for employees in activities affecting commerce and for their families and dependents, and to encourage the support of such plans by employers, whether such plans are administered by employers and employees jointly or solely by employers or solely by employees or otherwise. No provision of this or any other act shall be deemed to prohibit such plans or to prohibit employers from contributing to the support of such plans, except in any case where such support constitutes an unfair labor practice under the National Labor Relations Act. The failure or refusal of an employer in an activity affecting commerce to bargain collectively concerning the establishment or maintenance of such a plan shall be deemed to be an unfair labor practice for the purposes of the National Labor Relations Act.

(b) As used in this section, the term "approved plan" means a plan which has been approved, or which is to take effect only upon its approval, by the Surgeon General of the United States insofar as such plan provides for hospital, medical, and home-nursing care and services and by the Secretary of Labor insofar as such plan provides other benefits. The Surgeon General and the Secretary of Labor shall approve any plan submitted to them for the purposes of this section if they find that such plan is a bona fide plan for providing benefits for employees and that a fair and equitable method of administering such plan is provided.

Mr. PEPPER. Mr. President, all of us are aware that there is disturbance and strife in the industrial world today which is disconcerting to the public, and all of us lament the differences of opinion between the employers and the employees which have led to certain stoppages of work and threaten further interruption of work. All of us are deeply sorry that the contending parties have not been able to reconcile their differences and to permit the steady and uninterrupted production of coal and the continued and uninterrupted operation of the railroads. We are all aware of how vitally these matters affect the public interest. We are aware of the fact that the public does have concern over the outcome of these controversies, and all of us wish there were some immediate and effective disposition of these difficulties which would permit the mines uninterruptedly to produce coal and the railroads to continue their important service of furnishing transportation. We know the grievous dislocation in the economy of the country which ensues from the shortage of coal and the interruption of rail service.

But, Mr. President, in my behalf, and in behalf of the chairman of the Committee on Education and Labor, and of members of the committee who are opposing the stringent amendments to the committee bill, and on behalf of other Members of the Senate opposing these severe amendments going outside the scope of the committee bill, I want to disclaim any responsibility for the situation which now exists. On the contrary, we believe that we have pointed out in the Senate that today a method exists which would to a large degree solve both these controversies, if the President were to exercise the full authority which he has under existing law.

Mr. President, I am aware of the fact that the public has not heard about what we have said on the subject here, because it has not been reported in the major part of the press. In fact, if one

reads most of the newspapers he would not know at all that anyone has made such a suggestion as that. One can read most of the newspapers and be led to believe that those who are opposing these severe amendments have no purpose at all except to filibuster. Even when the other day half a dozen veterans, some of whom were amputees, had come voluntarily to the Capitol and brought from the veterans of Walter Reed Hospital and the England General Hospital at Atlantic City a petition signed by some 40 or 50 veterans, a major part of them amputees, stating that they did not approve the antilabor legislation which was being considered in Congress, in the opinion of a majority of the press that was not news, because I never saw anything in any of the newspapers about it. Yet, if one has something to say against the unions, if one has something to say against labor, he can get it on the front page of nearly every newspaper in the country. One able Senator did not make his speech, but it was read by someone else; yet, since it was construed as being constrictive upon the labor unions, it received three-quarters of a column. But anything we have said here on the Senate floor has received slight mention, if any mention at all.

Mr. President, I make mention of that not because of any personal slight, because if that were to happen, it would not be a new thing so far as I am concerned. I presume I can continue to live as well in the future as I have been able to live in the past with treatment of that sort from a great many people and newspapers.

But, Mr. President, if the public has not learned any more of the debate on this floor than can be gotten from the newspapers, I can well understand why the public has a distorted idea, perhaps, of the issues involved in this labor controversy in the coal fields and amongst the railroads of the Nation. I, myself, did not know, until within the last 3 or 4 days, when I heard some railroad men talking on the train, what the men's grievances were. I did not know it until I heard a waiter tell a person being served how many hours a month he had to work under his contract; I did not know it until I heard a steward in a dining car say how many hours a month he had to work under his contract; I did not know it until I heard a man who was a member of the trainmen's association tell how many hours he had to work, 12 hours a day, for which he received pay for only eight; until then I did not know what was involved in the rail controversy, because I had not read in the newspapers how many hours a day the men had to work. I did not know that the men had to work 12 hours and be paid for only 8. I had not read what their wage scale was, or how inadequate it was, or how their wage increases compared with cost of living increases. No; the newspapers ordinarily do not tell that part of the story. But if the labor unions do anything, if the workers do anything that can be played up to their prejudice, we will read that on the front page of the newspaper.

I am of the opinion that the press is largely responsible for making a devil out of John L. Lewis. I assume there are a good many fundamental characteristics in John L. Lewis that justify it, but I am beginning to wonder whether he is as much of a devil as he has been made out to be. I have not read, except in a few feature articles, very much written about the pitiable plight of the miners. The purpose of the amendment for which I have offered a substitute today is to keep the unions from having the right to administer a health fund which was conceived of as for their own benefit. Yet I do not hear Senators on the other side lamenting the working conditions of the miners of this country, or of the railroad workers, or of any other group of labor in the land.

Mr. President, I hope I shall be able to live to see the time when the American people can hear with their own ears every word that is said on the floor of the Senate or of the House Representatives. I intend shortly, in company with other Senators, to introduce a bill to that effect. Then if a newspaper has no space in which to print what is said on the floor of the Senate, or if its representatives hear with prejudiced ears, or read with colored lenses, the people can determine whether they see and hear it that way or not. I hope to see established a short-wave radio station owned by the United States Government, with microphones over our heads in the Senate, so that they will be out of the way. There will be someone to regulate the volume so that it will go out in an even flow to the listening public.

Our Committee on the Reorganization of Congress has made a study of this procedure. The experts tell us that it is technically feasible. They tell us that such a system can be installed without any disturbance of the routine of the Senate, and without any inconvenience to Senators. They tell us that by setting up one short-wave broadcasting station on the east coast and one on the west coast, so as not to interfere with standard broadcast programs, the people who have sets which will receive short-wave broadcasts will be able to hear the proceedings of Congress. I understand that approximately 15 percent of the radio sets in use today are equipped with short-wave receiving facilities. The new ones which are coming on the market usually have such equipment. I feel that in the near future the majority of the population will have radio sets capable of receiving short-wage impulses.

For many years the proceedings of the House of Commons in New Zealand have been broadcast. The Prime Minister of New Zealand, who was here a few months ago, told me of the satisfactory experience that his people have had with broadcasting the proceedings of the House of Commons in his country. I see no reason why the people of the United States who have radios and who wish to listen to what is said in their Congress, in the governing body of their Nation, should not have the same right to do so as those who frequent the galleries of the Senate and the House. They sit here and see and hear for themselves. They do not need to read the newspapers to know what is going on in Congress. They hear everything that is said. They construe and interpret it according to their own senses. They are not handicapped by the limitations of space in newspapers, or by the point of view which some newspaper may happen to have. I believe that if the American people could hear the debates in Congress there would be a much better public understanding of public issues. I am hopeful that Senators will look with favor upon such an installation when the bill to provide for it is finally presented to us for consideration.

Mr. President, we have been trying to say something with the best quality that our feeble intellects were able to give it. We are not filibustering against the pending bill. So far as we are concerned, in a reasonably short time the Senate can begin to vote on the several amendments which are pending and will be pending to this proposed legislation. However, I say this with a certain degree of reluctance, because the very Senators who are proposing these restrictive and curbing amendments upon labor are the Senators who would not even permit an anti-poll-tax bill to be brought before the Senate for consideration.

The able Senator from Virginia [Mr. BYRD] is chairman of the Committee on Rules of the Senate. If a rule were proposed to do away with the power of the filibuster, I doubt if many Senators believe that such a proposed change in the Senate rules would receive favorable consideration from the committee of the able Senator from Virginia.

I very reluctantly surrender the power of debate which could be employed in the Senate upon this effort to hamstring the working men and women of this country. We are accused of filibustering when, by and large, the various Senators who are proposing such amendments are the Senators who have been mostly guilty of filibustering in the Senate.

Mr. President, I have not participated in a filibuster in the Senate since 1937, I believe, the first year of my service in this honorable body. I do not propose individually to break the precedent now. However, I believe that the time has come when not only the pending legislation but all legislation on the calendar is at least entitled to receive a vote by the Senate; and yet I know perfectly well that if, when this bill were out of the way, a Senator were to move that the anti-poll-tax bill be made the unfinished business, the Senator from Virginia would be one of those to join in a filibuster against it ever being voted upon, or becoming the unfinished business, or being subject to the rule of cloture in the Senate. I very much dislike to have such a meritorious cause as human rights crucified when we cannot even invoke cloture under our rules against a violation of human rights; and yet at the same time see a sentiment of haste, anger, and prejudice take away from the workmen of this Nation the gains which they have made over a decade of the administration of Franklin Delano Roosevelt.

As I say, I do not yield the power of debate with any feeling of great satisfaction, because I know that certain Senators deserve to get some of their own medicine. I know how many bills there

are on the calendar which could not even be taken up for consideration before this Congress adjourns, because a minority of Senators would not permit us to consider such measures. Yet we who are opposing these amendments did not filibuster when the motion was made to take up this bill, as we could have done. If one were to read certain newspapers he would think that all we were doing was filibustering. Mr. President, if we ever make up our minds to filibuster against this bill, there will be no doubt about it. If there were a disposition to filibuster, there are a sufficient number of Senators who feel as I do to carry on an effective filibuster.

I believe that under the rules the amendment which I have offered will be the first amendment to be voted upon. So far as I am concerned, the Senate may vote this afternoon, after I shall have finished speaking in a little while, or tomorrow, although several Senators who had hoped to be present are absent because of primary elections and for other reasons.

If we can get the press to tell the American public, I want the public to know that we believe that the restrictive legislation now being proposed is intended for the purpose of cutting the heart out of collective bargaining. If it is enacted into law it will mean that labor will be pushed back nearly a decade, down the dismal ladder of incompetence and subserviency. I had thought that the time when management exercised its untrammeled tyranny over the working people of this country had passed. I had thought that the days of feudalism were gone forever. Yet time after time, like the frog trying to jump out of the well, human progress has been retarded. But be assured that it will go forward again.

In the first place, the proposed legislation would not have the effect of stopping strikes. The people will find that out, as they have learned that the Smith-Connally Act did not have any effect in stopping strikes. Today the Smith-Connally Act is on the statute books, in full force and effect. That was the legislation which was held out to us as being the hope of curbing labor stoppages or stopping strikes. We were told, "If you will pass the Smith-Connally bill, we shall have no further trouble with labor unions. In the first place, it will force upon them a cooling-off period of 30 days. In the second place, they will have to take a strike vote, and the election will have to be fair; and certain other requirements will have to be met. So if you will just pass the Smith-Connally bill, it will practically do away with the vicious strike."

We passed the Smith-Connally bill, and now we have two of the greatest and most detrimental strikes we have ever had in the history of the country, one in progress and the other in prospect.

Mr. TUNNELL. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Delaware?

Mr. PEPPER. I yield.

Mr. TUNNELL. Does not the Senator believe that the Smith-Connally Act itself is responsible for a great deal of labor unrest, and particularly strikes?

Mr. PEPPER. I have no doubt of it.

Mr. TUNNELL. Does not the Senator believe that it streamlines strikes? It tells labor just how to strike, when to give notice, and how much notice to give. Labor is then placed in the position of having started something, and it goes through with a strike.

Mr. PEPPER. That is correct.

Mr. TUNNELL. So the result is that the bill which was advanced by employers throughout the country as the means of stopping strikes has become the means of foisting strikes on the American people.

Mr. PEPPER. The Senator is absolutely correct. It has been stated time after time by the heads of the large labor organizations, as they stated to us before we enacted the Smith-Connally Act, that if we passed it it would cause more strikes; it would weaken their power to keep their pledge of no strikes. Their predictions and prophecies have come sadly true. Yes, Mr. President; they told us it would cause more strikes. And it did.

The other side told us it would stop strikes. But it has not. Yet if we propose to take the advice of the labor leaders, those on the other side say we are prejudiced and that we cannot see anything but labor's side. Mr. President, it has not been a week since Senators on this floor were telling us that if we had applicable to all industries, legislation like the Railway Labor Disputes Act, we would not have any strikes. That statute has been on the statute books for many years. It provides an elaborate procedure by which management and labor are supposed to reconcile their differences and disputes. It provides for a mediation board, an emergency mediation board, and a national mediation board; it also provides a 30-day waiting period which must be observed; and it requires a strike vote. There are many other conditions and requirements under that act. It is a lengthy piece of legislation, as you will see as I hold it in my hand. We were told that if all the other industries, for example, the coal mines, were regulated by legislation similar to that which regulates the railroad industry, we would not have any strikes. But now what do we have, Mr. President? We have the railroad strike which temporarily went into practical effect, and is in prospect again after Thursday of this week, in spite of the fact that we have on the statute books of the land, first, the Smith-Connally Act, and, second, the Railway Labor Disputes Act. Yet why are not they stopping strikes, if legislation will stop strikes?

Mr. President, the obvious reason is that legislation will not stop strikes. That is the reason. Legislation cannot act as the scorpion whip upon the back of the laborer, to make him labor for another man against his will—not in America. Americans do not happen to be constituted that way. No law can be enacted in the United States, even a law providing severe penalties which will make the working men and women of this country give up what they believe to be their essential rights as citizens. If a workingman feels abused, if he feels that he is being imposed upon, if he feels that he is being denied justice, he will fight as a citizen against his employer, as his forebears fought against the tyranny of George III of England. He will fight against his employer, as his forebears have fought every form of tyranny from the beginning of the history of this country.

Yes, Mr. President; he will stop work, even though it means he will not have a livelihood, if he thinks he is not getting a square economic deal from his employer—at least, after he feels that the employer has had a fair opportunity to redress his remonstrance and to hear his petition.

So, Mr. President, again I lay it down as a premise that the amendments which are being proposed and pushed so fervidly by Members of the Senate whose record, generally speaking, has not been friendly to labor, are amendments—every one of them, and all of them put together—which will not stop a single strike. I predict that they will cause more strikes. If the Senate, as it now seems disposed to do, blindly adopts these prejudicial amendments against labor, put that prophecy down on the books and remember it as time goes on, to see whether it is the kind of prophecy which, like the prophecy of the labor leaders, will unhappily come true.

Mr. TUNNELL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TUNNELL. I ask the Senator if he would like at this point in his address to have the attention of the listeners and readers called to a provision of the bill as it came from the House of Representatives. I read from page 10:

> No order of the Chairman or process of any court under this act shall require an individual employee to render labor or services without his consent nor shall any provision of such order or process be construed to make the refusal to work of an individual employee a violation of such order or process or otherwise an illegal act.

I call this to the attention of the Senator for the reason that I am receiving a great deal of mail from people who think that the purpose of the Case bill is to stop strikes, although the Case bill itself, speciifically states that it cannot be so used.

On page 13 of the same bill we find the following language:

> Provided, said courts shall not issue an injunction against the right to strike, peaceful assembly, or peaceful picketing.

Within the last few days I received a letter from a very responsible businessman in my State. He discussed picketing, and he feels that it is wrong; and he wishes the Case bill to be passed. Let me point out that the Case bill specifically states that the courts shall not issue an injunction against the right to strike or peaceful picketing. I read further:

> Any individual who violates any of the provisions of this section shall on and after such violation cease to have, and cease to be entitled to, the status of an employee for

the purposes of section 7, 8, and 9 of the National Labor Relations Act, or the status of a representative for the purposes of such act.

I simply wish to call attention to the fact that the Case bill does not even pretend to be a bill to prevent strikes.

Mr. PEPPER. I thank the able Senator very much.

Yet, Mr. President, today there are millions of people in the United States who think that we in the Senate are holding up the enactment of legislation which, if on the statute books, would immediately stop the strike. As the Senator from Delaware has pointed out, if we were to pass the Case bill as it came to us from the House of Representatives, without changing an "i" or a "t," it would not by compulsion stop a single strike or put a single man back to work.

I say to the gentlemen of the press: Tell the people that they have the wrong impression of this measure, or that at least some of the Senators on the floor of the Senate think they have, and state that they have, and that they are entitled at least to know from the press what Senators have said. If the representatives of the press are going to be honest reporters of what happens in the Senate, they can editorialize, of course, but it is their duty, when a Senator in seriousness presents a reason, to give it at least a carriage to the people of this country, if they purport to be fair in reporting this debate. If they do not, let some of them put up a placard reading, "Prejudiced, as usual," and then the people will know how to read what they write.

No, Mr. President; every time a labor controversy arises, it is always the laborer who is damned. Yet, the lily-white employers are never touched. They can be however stubborn, they can be however prejudiced, they can insist upon a gross and an avaricious profit, and can force men to the extremity of a strike, and yet public odium attaches to the worker who will not work unless he gets a fair wage, rather than to his tyrannical employer who has denied him what the Bible says he is due—the laborer's hire.

Mr. President, I think it is time that the people of this country know what is substantially involved in this controversy, and I wish to state the case for the opposition. I think it is entitled to be heard.

The first point is that these amendments will cause more strikes, and will stop none. I can establish that by the nature of the amendments. In the first place, not one word of them purports to send one miner back into the mines. Not one word of any of these restrictive amendments even on its face purports to send one railway worker back to his job on the railroads. Then, how are they going either to stop or cure the strike in either the coal mines or the railroad industry?

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MAGNUSON. I do not know how true it is in other States, but in my own State there are also State laws. In my State, labor for many years worked for the liberal laws which now are on the statute books, including the anti-injunction law. The Congress could act from now until doomsday on some of these vicious amendments, and still in my State labor would have those rights. I think the same situation is true in many other States of the Union.

Mr. PEPPER. It is, Mr. President. The Senator is absolutely correct.

In the second place, Mr. President, these amendments are merely provocative of labor. Enacted in anger, they will provoke anger from labor, for action begets reaction and like begets like, in the physical world; and what is done against another man in anger and with prejudice will ordinarily provoke a response similar in character from him. If the men and women of this country who work feel that the Congress is so blind by reason of prejudice or is so ignorant of the issues that it will take occasion by means of such legislation to try to deprive them of their rights, the Congress will simply make them resentful, and sullen, and stubborn, and less agreeable and more recalcitrant than they were before the Congress ever enacted such legislation, if it does enact it at all.

Take, for example, the Byrd amendment which we have been debating. What would it do? The whole intent and purpose of it is to make it illegal for John L. Lewis or for any other labor leader—for John L. Lewis is not named, of course—or for any representative of labor to insist that the employer shall pay into a fund a sum of money for a health and welfare fund to be administered by the employees themselves.

Mr. President, is that such a bad proposal that the Congress of the United States should wish to enact a prohibition against it? The Senator from Virginia stated on this floor—I note that he is not now present—that he had been in touch with mine owners and mine operators. Evidently they had told him their side of the case. The Senator from Virginia, either before or after his conference with the operators, offered an amendment to the pending bill which would make it unlawful for a labor leader to make such a proposal as that to which reference has been made. The proposal which John L. Lewis made was that the miners were to be recipients of a fund consisting of 7 percent of the gross pay rolls of the employees, and that such fund was to be used for the purpose of providing health and welfare benefits for the employees. It was also contended by the employees that inasmuch as the fund was to be used for the benefit of employees, the employees should administer it. Yet the Senator from Virginia would make that a penitentiary offense. That is what is involved in the Byrd amendment. The Senator from Virginia is saying that what has already been done by hundreds of thousands of men and women in this country as a result of voluntary agreements, is to be made illegal in the future.

Mr. President, why do I say that? I have in my hand Bulletin 841 of the United States Bureau of Labor Statistics, issued by the Secretary of Labor.

The health-benefit plans described in the following pages cover more than 600,000 workers employed under agreements negotiated by unions in various industries.

Here are the plans by which the funds are administered for the benefit of approximately 600,000 workers of this country.

A little more than one-third of the employees covered by health-benefit plans included in this report are under plans which are jointly administered by the union and employer. Another third are covered by programs for which insurance companies assume the measure administrative responsibility, and somewhat less than a third are under those administered solely by the union.

So, Mr. President, approximately 200,000 working men and women of this country are today, by voluntary agreement, doing what the Senator from Virginia says should be made a penitentiary offense. I do not blame labor for believing that if the Senate should pass such legislation as is being proposed, it would be moved not by good motives, but by blind prejudice. What business is it of ours if the employees want to negotiate with the employers for a health and welfare fund, and have it administered by the workers? I have pointed out before that the money would not be taken out of dividends proclaimed by management, or out of the pockets of management. It would not be taken out of the company treasury. The money would generally come from an increased price which the public would have to pay for coal. So the management would not own the money. It would merely act as a collector of it. If the money is to be collected by management and paid by the public, what is wrong with it being administered by those for whose benefit it is collected?

Of course, Senators may disagree, and some of them may believe that the plan is not the best one which could be devised. But are we willing to pass a bill making it unlawful to do what the employees wish to have done, which would enable the requirement being put into force which has been advocated by the Senator from Virginia, and would make it unlawful for management and labor voluntarily to enter into an agreement as to how the fund shall be administered. The Senator from Virginia would require that management and labor have an equal share in the administration of the fund. After all, management is not being doctored in the hospitals; management is not being treated by the doctors.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. Management is not the recipient of the home nursing care which is contemplated by the plan. It is the bodies of the miners or of the railroad workers, if the plan were applicable to their industry; it is the workers themselves who receive the medical care and who at least might reasonably suggest that, it being for their benefit and for their primary aid, they should have the primary responsibility of its administration. Yet the Senator from Virginia would outlaw such administration of the plan which has been suggested.

I yield to the Senator from Illinois.

Mr. LUCAS. Does not the Senator agree with me that any welfare fund of

this character would be for the benefit of the miners and employees only?

Mr. PEPPER. Yes; the Senator's statement is essentially correct.

Mr. LUCAS. Does not the Senator further agree with me that if a fund of this kind and character were agreed upon between employer and employee, it should be administered in such a way that those who administered it would be required to account for its proper administration?

Mr. PEPPER. I would have no objection to that. If the Senator from Virginia or the Senator from Illinois were to require that any benefit fund of this character should receive a public audit, or some inspection of that kind, I do not believe anyone would object to it.

Mr. LUCAS. That is what the Senator from Illinois has been interested in. In other words, whatever amount in the way of a pay-roll tax for the purpose of establishing a health and welfare fund could be agreed upon between employer and employee it seems to me that the fund itself should be limited to those for whose benefit it is collected and that some method should be provided whereby those who administer the fund in behalf of the miners make a proper accounting of the money so that the public may know it is being administered solely for the benefit of the beneficiaries of the fund.

Mr. PEPPER. I thoroughly agree with the Senator from Illinois. I would not voice a word of objection if the Senator from Virginia were to modify his amendment so as to provide that the health and welfare fund is to be established for the benefit of employees, and that whoever administers it shall file with any person or group of persons whom the Senator wishes to name an accounting and a report of the administration of the fund. I would have no objection to that being done, but the Senator from Virginia does not even want to allow the employer and the employee to arrive at an agreement by which the employees may primarily administer the fund, even if they arrive at such an agreement voluntarily. He would forbid them from entering into such an agreement of their own free will and accord.

Mr. BANKHEAD. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BANKHEAD. Would any fund raised under the proposed amendment, especially that part of it which would be paid by the coal operators, be passed on in the form of an increase in the cost of coal to the consumers?

Mr. PEPPER. My opinion is that it would be. I believe that most pay-roll taxes, by and large, are passed on to the consumer. In our Federal social-security system, where the management has to pay, for example, an amount equal to what is paid by the employee, and, in other cases, where the employer puts up all the money, in most instances I dare say that the employer passes the expense on to the public. I do not believe he takes the money out of the company's treasury or diminishes the company's profits. Here is a fund which would essentially come out of the pockets of the public. It would be provided for the benefit of the miners. In case of more than 200,000 working men and women of this country today, as a result of voluntary agreement and collective bargaining, similar funds are being administered by the employees. Yet the Senator from Virginia would outlaw such practice. Not only that, but the Senator from Virginia wants to make it unlawful in the future for an employer and an employee even voluntarily to arrive at that kind of agreement. Why? Because he wants to strike at John L. Lewis. We are saying to the able Senator, and to those who are supporting his amendment, that they do not name Mr. John L. Lewis, and they do not limit their amendment to him. The 200,000 persons to whom I have referred have not done anything to the Senator. They have not joined with Mr. John L. Lewis. Many other hundreds of thousands or perhaps millions of persons, who will, by collective bargaining, obtain such provisions in the future, have not done anything to the Senator from Virginia or to the public. Why fire a blunderbuss at John L. Lewis when, in so doing, we hit 200,000 workers who are innocent of any wrongdoing? That is the character of the legislation which is being proposed in the Senate. Yet, when any of us stand up against it and endeavor to point out its flaws, we are charged with doing nothing but trying to protect the ranks of labor or filibustering.

Senators may make up their own minds as to whether or not there is any merit in the argument which I am trying to make. They will adopt the amendment, I suppose, and they will be just as regretful when they have passed it as many of them are regretful of the Smith-Connally Act, which was passed in a similar attitude 2 or 3 years ago.

Mr. LUCAS. Mr. President——

The PRESIDING OFFICER (Mr. MAGNUSON in the chair). Does the Senator from Florida yield to the Senator from Illinois?

Mr. PEPPER. I yield.

Mr. LUCAS. As I understand, Mr. Lewis is demanding a 7-percent pay roll tax for his miners. Assuming that they will later bargain for wages and get the standard increased wage set throughout the country, it would mean 7 cents more on the dollar they would have to collect from the operators than what they would be getting if they were bargaining for wages alone.

Mr. PEPPER. The fund is in addition to the wage increase they are insisting upon.

Mr. LUCAS. In other words, if finally through collective bargaining they reach the standard that has been set, of 18½ cents an hour, then the 7-percent pay roll tax they are now seeking would add another 7 cents to the 18½ cents an hour to the minimum wage of $1 an hour.

Mr. PEPPER. That is correct.

Mr. LUCAS. Which would in reality give to the miner drawing $1 an hour an additional 25½ cents an hour.

Mr. PEPPER. Exactly, except that the Senator must realize that one of the sums would be for consumption, for expenditures for ordinary purchases, whereas the 7 percent would be to set up hospitals, provide for private doctors, for nursing services, and medicine, to establish an insurance fund in cases of disability, and all that sort of thing.

Mr. LUCAS. I appreciate all that, but the miner would be getting 25½ cents an hour, we will say, and would be taking 7 cents of that and putting it into the health, hospital, and accident insurance funds.

Mr. PEPPER. That is substantially true, it would be going into the fund. The Senator is correct.

Mr. LUCAS. Assuming that what is asked should be agreed to, it would set the pattern for all America, for all other organizations to come forward and ask for the same thing, and I take it the others would be entitled to it if what is now asked is granted.

Mr. PEPPER. I would hope so, because the health of the people of this country is the most precious asset we have. It is more precious than any thing else. We cannot wrongfully spend any money that is devoted to saving the lives and preserving the health of the men and women of this country, and their dependents.

Mr. LUCAS. I agree with the Senator that the health of the people is probably as important as any other thing, from the standpoint of the future success and happiness of this Nation. The conditions under which the miners live have been described time and time again, although I know in my own State in the last 20 years great reforms have been made in the mines but reforms are still needed everywhere. But when we are talking about adverse housing and health conditions, I can take the Senator four blocks from the Capitol and show him, as he knows, people living under health conditions to which the worst treated miners of the country would seriously object, and it is only four blocks from the Capitol, in the very city of Washington.

Mr. PEPPER. Knowing the humane interest of the Senator, I know he would say that all of us should be ashamed of the fact that such conditions exist.

Mr. LUCAS. But they do.

Mr. PEPPER. And that if the Congress of the United States is so backward in its obligation to provide for the health and the welfare of the people by general law, then it is perfectly proper that the employees band themselves together and make the employers, either out of their own profits or through increased prices to the public, provide funds by which the lives and health of the miners can be cared for; and that is all that is now demanded.

Mr. LUCAS. That is correct. Then let me ask the Senator this question: Can the Senator tell me why this proposal has never been presented before in the controversies and collective bargaining on wages and hours previously conducted? Why at this particular crisis of the Nation is this sort of agreement presented?

Mr. PEPPER. The able Senator is remiss in his assumption that this matter has not been brought up before. As I pointed out in reading from Bulletin 841,

the title of which is "Health Benefit Programs Established Through Collective Bargaining, 1945," various unions already have plans in effect like the one now demanded. So it is not new.

Mr. LUCAS. I know it is not new so far as those organizations are concerned, and, frankly, I could not support the Byrd amendment unless some sort of exemption were made of such organizations.

I am talking about the miners. If the Senator has any other information as to when John L. Lewis has been so concerned heretofore about the welfare of the miners, I should like to know about it. Lewis has been one of their leaders for a great number of years.

Mr. PEPPER. I read from Mr. Lewis' statement last week in which he said that he did bring the proposal up in 1945, but he did not press it at the time. This time he has made it a condition to the consideration of the other points in dispute between the miners and the operators.

Mr. LUCAS. The only point I make is that John L. Lewis knew better than any other man in America the condition of the miners, yet on the eve of a great potential economic crisis he insists, before he will do anything about wages and hours, this welfare fund be settled. I seriously contend that there is no welfare fund so vital to the miners or any other group of laboring men in this country as to justify them in threatening to paralyze and eventually laying prostrate the economy of the whole Nation, because, in the final analysis, it is not only the miners who will suffer, but all America if the strike continues, and John Lewis knows that as well as anyone knows it. More than a million workers were thrown out of employment as the result of the coal strike, and millions upon millions more will be thrown out of employment in a short time, with factories closing down, with stores in small towns and large cities unable to get the necessities of life if reason and tolerance are not soon exhibited and if such should happen we will see real suffering in America as a result of the dilatory tactics of John L. Lewis and his failure to initiate days ago the real spirit of collective bargaining.

My contention is that, notwithstanding the merits of his proposal, there is something of greater value, and that is a stable America. And again it seems more than strange that he has made such a proposal only once in all his previous days as a labor leader. Why does he select an hour of economic peril to press his demand? There should be some compromise of some kind to the end that we may get back on our economic feet and move along on the road of progress. The reforms will come, and they have been coming, for years, and the Senator from Illinois has voted for those reforms from time to time, but when my Nation is imperiled, as I believe it is at this moment, I must stand firm.

Whether it is John L. Lewis, or any other leader of labor, business, management, agriculture, or what not, I shall stand up and fight for what I honestly believe is the constructive thing to do for my country.

I make that statement just as sincerely as I have ever said anything. I do not believe I am exaggerating when I express my alarm at what will come to this country unless the railroad strike and the coal strike shall be settled. If we do not settle these two strikes, if these men do not return to work, the health, the safety, the security of the Nation and her people are seriously threatened.

Mr. President, I read in a newspaper a statement to the effect that some local miners' organization said they did not care whether they went back to work or not, that they had plenty of money. Money is not going to be worth very much in a few months from now if we do not get the coal out of the ground. If the railroads and the mines are closed down, and we cannot get the wheat, the meat, the corn and the other necessities of life to the markets of the country, we will have nothing but economic chaos.

Mr. PEPPER. Of course, the Senator does not like the stoppage of work in the mines, of course he does not like the stoppage of the railroad systems, but what he overlooks is whether the workers have a right to say they will not work unless there is a health fund provided for their care, and in assuming that the employees are primarily responsible for the stoppage of work. On the other hand, the management of the mines stated in a public statement which I read on the floor of the Senate a few days ago that this proposal of Lewis was a precedent, that they would not countenance it, that they would not listen to it, and that they would not budge an inch from the position they have taken.

Very well. Mr. Lewis says that he insists that there must be a health fund for his workers. Call him extreme if you like, Mr. President. The management says they will not put up a dime for a health fund. Are they not equally extreme? Have they bargained collectively and conscientiously with Mr. Lewis? Yet the Senator from Illinois, I am afraid, is falling into the erroneous assumption that the whole blame for the stoppage of work and for the conditions which he so well describes must be ascribed to the stubbornness of the worker, without putting sufficient emphasis upon the stubbornness of the employers.

I would say to the able Senator that it has been my observation that every increase in wage, every health fund, every betterment and benefit labor has wrung from management in the United States, was wrung by force. It has been wrung by the exercise of economic power and strength. As a general rule, I have not found management voluntarily giving any increases in wages or providing social-welfare funds for employees. As a matter of fact, whenever the Congress undertakes to do something for the underprivileged, management-minded people fight the legislation for all they are worth.

Ask this group representing management, who in their public statement said that any health fund should be set up by general legislation, if they are in favor of the Wagner-Murray-Dingell bill. Ask them if they are in favor of a National Health Act which will provide funds for the care of the people of this country through national insurance to which employee and employer would make a joint contribution equal in amount, and see whether they will say that they favor such an act. No, Mr. President; they will have some other objection to it. All they want to think about is the continued piling up of their profit, the continued untrammeled exercise of their power, and in 99 cases out of 100 they are going to give the workers only what they are obliged to give them.

Mr. LUCAS. Mr. President——

The PRESIDING OFFICER (Mr. DOWNEY in the chair). Does the Senator from Florida yield to the Senator from Illinois?

Mr. PEPPER. I yield.

Mr. LUCAS. Will my able friend, the Senator from Florida, tell me who is going to win in this crisis if there is no settlement of the strike?

Mr. PEPPER. I will say to the Senator that, like most other conflicts which are uncompromising in their nature, everyone loses. But whether Congress shall step in and say to labor, "You cannot make such a request," is another thing. If someone can propose legislation which will say to management, "You cannot withhold that which you ought to allow to your worker," perhaps it would be a good proposal. But I do not know how to write such a proposal.

I fear that Senators have fallen into the error of believing that because a strike is a bad thing, the way to deal with it is to make it unlawful for the worker to strike, or to impose upon him a penalty if he does strike, regardless of the provocation for his striking. That is what I am trying to hammer home, and that is what is almost impossible to get over in dealing with these controversial management-labor disputes.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LUCAS. Does the Senator see any danger of the stability of our economy being affected in the future as the result of the coal strike and the railroad strike? And a failure to settle them properly?

Mr. PEPPER. I will say that we will have a better citizenry, and in the long run we will mine more coal, and in the long run we will do a better job of running the railroads and other industries of the country, if we will provide health and welfare funds for the workers. If the Senator will indulge me I will tell him why I make that statement. I gave certain figures on the floor of the Senate the other day. They deal with a comparison of the man-days lost from strikes with man-days lost from accidents and illness in the United States of America.

In the year 1940, 6,700,000 man-days were lost from strikes. In the same year, 41,900,000 man-days were lost from accidents. The actual time lost, plus permanent impairment and death, accounted for 234,000,000 man-days. In other words strikes were responsible for what would equal only 15.9 per cent of all the man-days lost from accidents in the year 1940.

Let us now consider the year 1943. I believe that is the year when John L. Lewis called a strike the last time, and

when we passed the Smith-Connally bill. That was the year when we were all clamoring about the strike. Let me give the figures for that year, when the newspapers were filled with denunciation of Lewis and the strikers, and, from reading the newspapers, one would have thought that the country was going to the dogs because of the strikers; that we could not even win the war because of the strikers. In 1943 the number of man-days lost from strikes was 13,500,000. The number of actual man-days lost from accidents in 1943 was 56,800,000. The number of actual man-days lost from accidents and permanent impairment in the health of people and death was 274,000,000.

In other words, even in the year 1943 the equivalent of only 23.8 percent of the man-days lost from accidents was lost directly from strikes.

Last year only 20 percent of the man-days lost by workers were lost from strikes. The rest of the categories I am describing came from illness, permanently impaired health, and premature death.

So, Mr. President, I say to my able friend, the Senator from Illinois, that if John L. Lewis and every other leader of labor in this country, organized and unorganized, were to succeed in obtaining the establishment of a health and welfare fund which would provide medical, hospital, dental, home nursing service, and clinical examinations, and in addition to that would provide an insurance fund to take care of total and permanent disability such as that resulting from a man having his back broken, of becoming paralyzed, of being unable to work any more, of being ill for a long time—if the leaders of labor, organized and unorganized, could secure that kind of a fund from the employers of this country, there would be a tremendous increase in the number of man-working days in our economy for the public benefit and welfare.

Mr. President, let me point out a few figures which a committee, of which I had the honor to be chairman, discovered concerning the health conditions of the people of the United States. This is only the most meager kind of summary. More than 40 percent of the Nation's selectees were found unfit for military duty. At least one-sixth of them had defects which were remedial. Many more had preventable defects. But we lost nearly 40 percent of servicemen in selective service examinations because of the failure to provide an adequate medical system.

Many a father, Mr. President, died on a foreign battlefield or went to a cold grave in a strange sea because some single man back here at home had not had his health cared for in an earlier day or in his youth, and was not able to serve in combat for his country. In fact more than 23,000,000 persons in this country have some chronic disease or physical impairment. Think of that, Mr. President; 23,000,000 persons in this country out of a population of 132,000,000 have some chronic disease or physical impairment.

On any one day at least 7,000,000 people in the United States are incapacitated by sickness or other disability, half of them for 6 months or more. Think of that, Mr. President; 7,000,000 incapacitated every day.

I will interpolate at that point to say that one out of every seven of us now living will die from cancer. Yet we have never been able to secure adequate research funds to combat cancer. Some of the very persons who oppose these health and welfare funds shout to high heaven against the extravagance of the appropriations which would provide the health care which the people of this country should have.

Illness and accidents cause the average industrial worker to lose from productive activity about 12 days a year. It may be asked: What has that to do with the production of the mines? I wonder if Senators know that the mines do not now observe Federal mine-inspection standards? They operate only by the standards provided by the States. Yet the Federal Government has a great Bureau of Mines which employs many competent investigators. They investigate the mines and lay down safety standards, but the mines do not observe the Federal safety standards. No doubt such failure accounts for a part of the loss of about 12 days per average industrial worker a year. It is not only to the miners that the danger is great. The industrial worker loses about 12 days a year from production. Let me give the figures of how many man-days that is every year. Six hundred million man-days every year. Six hundred million man-days are lost through illness.

I pointed out a little while ago that in no year did the number of man-days lost from strikes exceed 23,000,000, and that was in the year 1941. The next highest number was 13,500,000 man-days lost in 1943. The next highest was 8,700,000 man-days lost in 1944. The next highest was 6,700,000 man-days lost in 1940. The next highest was 4,100,000 man-days lost in 1942. Yet have we ever heard the Senator from Virginia propose a health bill in the Senate? Do Senators believe the Senator from Virginia would fight as hard for a health bill which would protect the health of the American people as he is fighting to make it illegal for those who have already obtained health protection to keep it, or to make it illegal for the labor leaders of organized or unorganized workers to ask for a fund to take care of the health of their workers? That is the point of view of those who are opposing the committee bill, whereas the Senator from Montana [Mr. MURRAY], chairman of the Committee on Education and Labor, who is coauthor of the Wagner-Murray-Dingell health bill, and the Senator from New York [Mr. WAGNER], who is coauthor of the Wagner-Murray-Dingell bill, have been fighting for this legislation now for 10 years or thereabouts. Yet it is men such as those who are trying to put these restrictive amendments on the committee bill which is now before the Senate, who would not permit us to enact such legislation as the Wagner-Murray-Dingell bill.

Now they want to make it illegal for labor even to ask it in collective bargaining if the fund is to be administered by the employees themselves, in spite of the fact that it is for their benefit. That is the kind of social justice in which some Senators believe. I have the opinion that there is a liaison or understanding between the mine operators and certain Senators supporting these restrictive amendments. The Senator from Virginia states that he has been in consultation with mine operators. It is entirely possible that he has advised them not to yield to John L. Lewis until he and his colleagues can pass these restrictive amendments. It may not be so, Mr. President, but many of us believe it.

Yet the public does not know all that. The public believes that a group of Senators are filibustering against a bill which would stop labor strikes. The public does not want to be inconvenienced. It does not wish to be kept from riding on the trains, and it does not wish to be forced to do without coal. Naturally the public becomes angry with anyone who causes it to do without certain services or commodities. But when the public learns that these amendments are intended to deprive labor of one of its weapons of collective bargaining, when it learns that such amendments would cause more strikes instead of fewer strikes, when it learns that the purpose is to try to keep the workingmen of this country from compelling management to provide for their bodies so that they may continue to work, those who are fair will have a little different impression than exists at the present time as to the controversy which is going on.

Mr. LUCAS. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MCMAHON in the chair). Does the Senator from Florida yield to the Senator from Illinois?

Mr. PEPPER. I yield.

Mr. LUCAS. Am I to understand the able Senator from Florida to say that he would not object to legislation which would permit any money to be paid into a trust fund or organization fund to furnish health, welfare, hospitalization, and other benefits to employees and their families and dependents, limited to those things found in the Byrd amendment? There are a number of Senators who do not feel that $70,000,000, we will say—assuming that that is the amount which would come from a payroll tax in a year—should be turned over to one man, or to a union, for any purpose for which it wishes to use the money. I am sure the Senator would agree to that proposition.

Mr. PEPPER. Mr. Lewis made it plain in the statement which I read to the Senate that not a dime of it was to go for any purpose except the health and welfare objectives which are set forth in his statement. I would welcome the adoption of an amendment which would require any group of employees, whoever they may be, who are to administer the health and welfare fund to make periodic accounting to the Federal Security Agency of the United States Government, and submit their books and all the details of their administration to the inspection of the Federal Security Administrator of the United States. If the Senator can think of a Government official better qualified than the Federal Security Administrator, I

will accept that modification. I have no objection to it, but the Senator from Virginia is not asking us to do that.

Mr. LUCAS. I understand that he is not; but there may be some amendments to the Byrd amendment before we finish.

Mr. PEPPER. I hope there will be.

Mr. LUCAS. The only thing the Senator from Illinois is trying to do is to find out whether or not there could be a meeting of the minds between the Senator from Florida and the Senator from Illinois upon two fundamental propositions with respect to the welfare fund. One is that certain limitations be placed on the purposes for which the money may be spent. The second is a proper accounting to someone with respect to the trust fund.

Mr. PEPPER. I have no objection whatever to such a provision. I think it would be perfectly reasonable to impose such a requirement. But I do not feel that we should go further and say that if we agree to the fund being administered by the workers, it shall be made unlawful to seek such a fund in collective bargaining. The question of accounting is something else. I favor that.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TYDINGS. I am seeking information. The Senator from Florida is a member of the Committee on Education and Labor. I am not. How would the $70,000,000 be raised, assuming that that is the figure agreed upon? I do not mean to imply that the Senator would be unalterably opposed to an amendment. I am assuming, for the sake of argument, that there is a definite procedure. Does the Senator have in mind how the $70,000,000 under discussion is to be raised?

Mr. PEPPER. In the first place, my position is that we ought not to interfere with the right of these parties to bargain with respect to this matter. I believe that this is a proper subject of negotiation. Congress ought not to step in and say, "You may not negotiate on this subject in the ordinary way."

Mr. Lewis' proposal is that there be a 7-percent levy on the gross pay rolls in the mining industry, and that that sum be set aside for the health and welfare fund which he has described, to be administered by the workers themselves.

Mr. TYDINGS. Seven percent?

Mr. PEPPER. Seven percent is the figure stated by Mr. Lewis. He stated that he was willing to negotiate the matter.

Mr. TYDINGS. Let us call the 7 percent a pay-roll tax—not in any spirit of derision, but in order to give it some nomenclature. If the 7-percent pay-roll tax were agreed upon, how much would it amount to by way of increase in the wages of the miners, assuming that they were to receive it in pay rather than in hospital fund?

Mr. PEPPER. I presume I am correct in the arithmetical assumption that it would be the equivalent of 7 percent on the gross pay roll of all the workers.

Mr. TYDINGS. How much would that be an hour?

Mr. PEPPER. I do not know. I have seen no figure relating to hourly wages.

Mr. TYDINGS. I wonder if the Senator would be good enough, at his leisure, to ascertain what that would mean in terms of an hourly increase in pay, assuming that it were all given to the miners rather than being placed in a welfare fund. Then I would appreciate it if the Senator would show us how that would be reflected in the increased cost of coal. I repeat that I am asking these questions in no sense of derision or criticism. I am asking them in order that I may understand the elements entering into the question now under discussion. Has the Senator the answers to my questions?

Mr. PEPPER. I do not have them here. I have some information with respect to the wage structure in the bituminous coal industry, and perhaps we could relate it to that information. Let me give one or two figures. The gross weekly earnings average as low as $40.63 for inside trimmers, and as high as $80.48 for inside maintenance mechanics. So I judge that the weekly wage scale varies between $40.63 and $80.48 a week.

Mr. TYDINGS. I agree with the Senator that this question, in its present state, at least, ought to be basically the subject of collective bargaining between the miners and the mine owners; but in the event we are to formulate a national policy, I am interested in knowing the ingredients as definitely as I can determine them.

The third question I should like to ask is this: Does the Senator know why there is objection to having the mine owners represented on the Board of Management in the expenditure of this fund?

Mr. PEPPER. I do not know. However, the gist of Mr. Lewis' statement is that the fund is primarily for the benefit of the workers, and he feels that the workers should use the fund in the way which will be most beneficial to the workers. He feels that the workers are better , idges of their own needs than are the employers. However, the Senator knows, from the pamphlet from which I read the other day, that in the case of the programs which are already in effect, approximately a third of them are administered by the union; approximately a third by the employees and employers together; and about a third by private insurance companies which cover the insured persons. So there is no definite pattern. All three patterns are employed in connection with existing plans.

Mr. TYDINGS. As I stated the other day, I believe that miners are engaged in one of the most hazardous undertakings of any group of working men in the country. From what little I know, I do not believe that the working conditions of miners have improved to as great an extent as those of workers in other industries in many respects, considering the safeguards which have been thrown around other workers. But I am in no sense depreciating the general objective which is sought. I feel that we must reflect very seriously upon the fact that if a pattern is established, in time that pattern must translate itself to the whole country. Therefore it is important that the first pattern be the right pattern; otherwise, we shall have what we have already had. One strike has followed another over the country as the leveling off process has proceeded in the wake of the first settlement. We do not wish to prolong the series of strikes. We ought to establish some kind of pattern which, if followed, would be wholesome for the whole country.

Mr. PEPPER. I will say to the able Senator that in his statement Mr. Lewis points out that one of the unions which already has a plan of this character is Sidney Hillman's union, the Amalgamated Clothing Workers Union. He points out that in that instance the pay-roll tax, arrived at by voluntary agreement with the employer, is either 3 or 3½ percent of the gross pay roll. That is an existing plan. Mr. Lewis says that if that amount is fair in a sedentary industry like the garment workers' industry, 7 percent, or twice that much, certainly should not be considered extreme in so hazardous an occupation as coal mining. That may or may not be true.

Mr. TYDINGS. From the standpoint of accidents, I believe that the mining industry would be by far the more hazardous of the two. But from the standpoint of health, aside from accident, even though the miner is exposed to darkness and all sorts of hazards, he probably is not suffering in health to the same extent as are those who sometimes do not get enough air, and who are subjected to other unfavorable conditions, which at least used to exist. The point is that if the 7-percent pay-roll tax is to prevail I am interested in knowing what its equivalent would be in the form of an increase in wages, and whether or not, if it is adopted, it is to be followed by the 18½-cent pattern which has more or less swept the entire country.

Those of us in the Senate who are dealing with this question deal with it reluctantly. I am sorry there is a strike. We have provided machinery, by collective bargaining, to prevent strikes. I should be very happy, as I believe all my colleagues would be, if we knew that all these strikes would be settled, so that we could have a long pull down the roadway of peace and complete the reconversion job. But so long as we must discuss the question I should like more specific information and less general information as to what is involved. I should like to know, in dollars and cents, what it means, what its effect on the country is to be, and what its ramifications are to be, before committing myself too specifically either in approval or disapproval of the particular provisions of the bill and of the pending amendment. If the Senator will obtain the information which I have requested, and either give it to me privately or give it to the Senate, I think he will contribute toward informing us all and hasten the solution of this problem.

Mr. PEPPER. I thank the Senator very much for his very fair and fine inquiry. However, I think I should submit this observation: The Senator from Florida is not the one who is asking his colleagues to adopt the particular amendment which we were discussing before I offered the amendment which I

proposed. It was the Senator from Virginia [Mr. BYRD] who offered that particular amendment. It was he who thought that there was such a great public wrong in prospect that there should be a statutory prohibition against its occurrence. In my judgment it is the obligation of the able Senator from Virginia to satisfy us that the amendment which he proposes is justified. It would reach into the bargaining chamber and place the hand of restraint upon the employees, and say, "Thou shalt not ask for a health fund to be administered by the union." I think it is up to the Senator from Virginia to tell us why we should adopt an amendment which would invalidate a health-and-welfare fund already in existence for over 200,000 workers in this country, and which was arrived at by collective bargaining. I think the Senator realizes the spirit in which I make that statement, and I am glad to try to obtain information from him. But the Senator from Virginia offered his amendment and then said very little about it, evidently because he felt that the Senate was in such a mood that it would adopt practically any kind of restrictive amendment which was offered in regard to labor.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TYDINGS. Assuming for the sake of argument that the proposal to which the Senator from Florida is now addressing himself were adopted in reasonably satisfactory terms, either through the medium of collective bargaining or by means of legislative approval, is it the thought of the Senator from Florida that thereafter there would not be a need for the national health insurance law known as the Murray-Dingell proposal?

Mr. PEPPER. I am glad the Senator has asked that question.

Mr. TYDINGS. I mean that if that idea spread, would it cure the situation which the Senator from Montana [Mr. MURRAY], together with his colleague in the House, have attempted to cure by means of a measure of Nation-wide operation?

Mr. PEPPER. I say to the Senator that it would make great progress, in my opinion, toward the solution of that problem. But the Wagner-Murray-Dingell bill itself has in it a provision by means of which plans of this character can be fitted into that legislation, if it ever is enacted by the Congress. I say it would go a long way in the right direction. One reason why I look with considerable sympathy on the subject is that we do not now have a comprehensive bill for the national health, like the bill introduced in the Senate by the Senator from Montana [Mr. MURRAY] and the Senator from New York [Mr. WAGNER], and in the House of Representatives by Representative DINGELL. But until Congress is ready to enact such a measure, the health and welfare funds to which I have been referring are fundamentally all that exist to take care of the workers in the United States.

Mr. TYDINGS. Mr. President, I do not wish to dispute what the Senator has said, but let me point out that all of us are getting into a rather contradictory position. On the one hand, we are asking that collective bargaining, as the Senator has correctly argued, should be carried on with a minimum of interference by Government. On the other hand, we are trying to write collective bargaining into law.

The Wagner Act was placed on the statute books in order to provide labor and capital with an opportunity to sit down and bargain together without interference from anyone; and if men did not want work, they had a right to go on strike; and if those who owned factories did not want to operate them, they had a right to close them. That was the happy theoretical philosophy.

Now we find that just so soon as some strikes occur, there is a desire to throw the whole machinery overboard, and to destroy the gains which political orators talked about and said that labor had made—the sacred right of collective bargaining and other rights of the workingmen

As I see the situation, both sides are attempting to enlarge the field of collective bargaining. That attempt is made by both those who have upheld it as a wonderful benefit and those who have attacked it.

Mr. PEPPER. I understand that situation. But I am sure the Senator would wish to exculpate the Senator from Montana and myself who are opposing the proposed restrictions on collective bargaining. If we favor the Wagner-Murray-Dingell bill, it is because we feel that the self-employed, as well as those who are employed by employers and people generally throughout the country, should be covered by the plan.

Mr. TYDINGS. Of course. But all the people would have a right to quit work tomorrow morning if they did not have the kind of betterment they wanted.

Mr. PEPPER. That is true.

Mr. TYDINGS. If we are going to work out the matter under the act, I think we should set up the terms of collective bargaining. But if we set up the terms of collective bargaining, I think we should be specific both in regard to what is collective bargaining and what is not. It should not be both fish and fowl. I say that without any attempt to criticize, but in order to state the obvious.

Mr. PEPPER. Mr. President, I am not sure I understand the full import of what the able Senator from Maryland has said.

As the situation is today, collective bargaining is broad and open, as between employer and employee. They can agree on a 3½ percent pay-roll tax, the money to be administered by the employer and the employees jointly, or by a private insurance company, or by the employees themselves, or they can agree upon some other plan. At the present time, there is no law to tell them what they may do.

Mr. TYDINGS. That is correct.

Mr. PEPPER. The Senator from Virginia proposes to change that freedom. He proposes to limit their freedom of action, with the result that they will not be able, even by means of voluntary agreement, to raise a fund for that purpose. Apparently the Senator from Virginia is not objecting to the raising of the fund by the employer altogether, or even to having it passed on to the public. He is saying that such a fund cannot be raised in any way if majority representation in its administration is to go to the employees.

That is a hamstringing of the freedom of the employer and the employees to work out a mutually agreeable compromise.

The Wagner-Murray-Dingell bill is an entirely different thing. It is simply a measure which levies a tax—or it will, when all of its parts are put together—upon those who work for employers. The tax will be in a certain amount. The employer will be required to pay the same amount, and there will be certain Federal appropriations, and perhaps some State appropriations in the long run, one way or another, to make up the total sum of money which will make possible the providing of all the care that is contemplated.

Mr. TYDINGS. I do not believe that if that measure were on the statute books today, it would satisfy the miners who feel that they are engaged in an extra hazardous occupation and that they should have something in addition to the benefits provided by that measure.

Mr. PEPPER. It might be that they would ask for more.

Mr. TYDINGS. And they might do so understandably, we might say, if that is to be the principle.

Mr. PEPPER. That is correct.

Mr. TYDINGS. Therefore, even though the Murray-Dingell bill were enacted and were on the statute books, we probably would be faced with the situation that, no sooner were it written on the statute books, than the workers in many lines of activity—such as mining—would feel that they needed something more than that, something to supplement it, if it were to be worth the value which its authors evidently have in mind.

Mr. MURRAY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. MURRAY. It seems to me that the provisions of the Wagner-Murray-Dingell bill are so broad that they would give complete coverage to everyone who came within its protection. They would give coverage for hospital medical care, for medical care at home, for medical care in the office. Everything would be covered by it, so as to give complete, modern medical care to everyone who came under the operation of the act.

If every union in the United States had a welfare fund such as the one which is contemplated in connection with the coal miners' union case, only a very small percentage of the American people would be covered, and the cost of operating such funds would be more expensive than the cost of operating a Nation-wide plan of health insurance.

Mr. TYDINGS. A Nation-wide plan would cover everyone.

Mr. MURRAY. Yes, it would, and it would reduce the costs. That is one of the strong arguments in favor of a Nation-wide compulsory plan, as against voluntary systems.

Mr. TYDINGS. Of course, Mr. President, both the Senator from Florida and the Senator from Montana know that if the program goes through, regardless of its merits—and I am not saying it has no merits—the ultimate cost will be passed on to the consumers. Mr. Lewis admits that.

Mr. MURRAY. Certainly. It seems to me that if employment in a given industry is very dangerous to the health of the workers who are engaged in it the industry should itself provide such a program rather than throw the burden on the entire population of the United States.

Mr. TYDINGS. Mr. President, I was just thinking that perhaps that would be a preferable way to approach the whole question of the welfare fund, namely, by the medium of a national law.

Mr. MURRAY. Mr. President, my understanding is that organized labor in the United States is in favor of a national health program, and would gladly contribute their proportion to its support.

Mr. TYDINGS. I thank the Senator. If he will allow me to ask the Senator from Florida one more question, I should like to draw the issue as between the proposal set forth in the Byrd amendment and the position taken by the Senator from Florida. Whether the Byrd amendment were adopted or rejected, the ultimate cost would be the same, and the control of the fund would be all that would be at stake. Does the Senator agree with me on that statement?

Mr. PEPPER. I believe the Senator might assume that to be true.

Mr. TYDINGS. So whether the Byrd amendment were adopted or rejected, the probabilities are that the fund itself would be the same, whether raised jointly by the miners and the operators, or raised in larger proportion by the operators than by the miners. So we are not concerned here with the cost to the ultimate consumer. Does the Senator agree with that statement?

Mr. PEPPER. That is correct.

Mr. TYDINGS. Under the Byrd amendment the miners would not have exclusive control of the fund. Am I correct in that statement?

Mr. PEPPER. The Senator is correct.

Mr. TYDINGS. Under the Byrd amendment the operators, the miners, and the public would have joint control of the fund. Is that statement correct?

Mr. PEPPER. As I understand, there is nothing said in the Byrd amendment about the public.

Mr. TYDINGS. I assume that the Senator from Virginia would be agreeable to incorporating in his amendment a provision including the public. What would be the objection to having the miners, the operators, and the public all represented in the expenditure or disbursement of the fund?

Mr. PEPPER. I do not have the slightest objection to that being done, provided that it is agreed to between the employer and the employee. However, I do not believe that Congress should write a law and tell the employer and the employee exactly how a fund collected by them should be administered.

Mr. TYDINGS. That is an understandable viewpoint, and I think there is a great deal in the philosophy of our Labor Relations Act to support it. But, what I am trying to get at is what the doctors call isolating the germ. I wish to reduce the controversy to what is involved in the dispute. All that is involved in the dispute is, who shall control the fund.

Mr. PEPPER. In respect to that part of the Byrd amendment, yes.

Mr. TYDINGS. That is what I mean.

Mr. PEPPER. Yes.

Mr. TYDINGS. The other question is whether the miners are to control it and report to the Securities and Exchange Commission, or whether the operators and miners are to control it and report to nobody or report to the SEC or whether the miners, operators, and public are to control it and report to nobody or to the SEC.

Mr. PEPPER. That is a substantially correct statement in respect to the Byrd amendment.

Mr. TYDINGS. So the ultimate cost to the consumer will be the same, and the size of the welfare fund will be the same, no matter how it is raised. So far as this particular part of the amendment is concerned, we have now gotten down to the question of, Who is to have control of the expenditure of the money? That seems to be the only issue remaining.

Mr. PEPPER. That is correct. The Senator will also recognize that the amendment will not only tell employers that they cannot in the future enter into such contracts, but it will invalidate contracts which approximately 200,000 employees have already made with their employers, and will prevent those employees from administering the fund which they already have.

Mr. TYDINGS. I do not believe the amendment would invalidate contracts which already had been entered into because, obviously, they were entered into before there was any law making them invalid. But, when those contracts are renewed they would have to be renewed under conditions which Congress had prescribed. I think the word "invalidate," while not altogether ill-advised, is not so accurate as are words which the Senator usually employs.

Mr. PEPPER. Mr. President, I am not at all sure that when parties enter into a contract the contract is not always amenable to a possible change in the law. I am not at all sure that the amendment would not make it impossible for any employee to receive in the future, any of the funds, even under the existing contracts.

Mr. DOWNEY. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. DOWNEY. I should like to invite the Senator's attention to the present old-age pension system of the United States. That unfortunate system gives only an average of about $24 a month to the retired worker at age 65. An increasing number of large corporations are volunteering, or perhaps as a result of collective bargaining, to set up pension systems. In many such systems the amount of the retirement payment to be made available to the worker runs 50 percent and upward, or several times the amount of the old-age insurance pension. In practically all those systems provision is made that the employer shall be given credit in his payment to the worker for the amount which he has paid under the old-age insurance system. As a matter of fact, in certain States which have made provision for the safeguarding of the systems of private corporations, provision is made that the private corporation shall be entitled to deduct from its payments to the worker an amount equal to the amount which has been paid under old-age insurance. As the Senator has already stated, the proposed Murray-Dingell-Wagner bill does make provision for incorporating such an arrangement.

Mr. PEPPER. Mr. President, I am glad that the Senator has emphasized that. It will be seen that if this proposal were established as a precedent, it would be in the direction of what I believe all of us have been expecting to be done, namely, in some way provide adequate funds to aid in taking care of the health of the American people.

Mr. MURRAY. If the Byrd amendment were adopted it would either invalidate the existing contracts now in force, or it would prevent them from being renewed.

Mr. PEPPER. The Senator is correct.

Mr. MURRAY. In many of those instances the employers have voluntarily and freely entered into the contracts because they did not want to have the burden of administering the fund. They thought that it would be more efficiently administered if the workers were to take over the administrative work. So the pending amendment would prevent management from voluntarily placing in the hands of the workers the administration of the fund.

Mr. PEPPER. The able Senator is absolutely correct.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. LUCAS. The able Senator from Maryland discussed a point which I have previously discussed on the floor of the Senate. I should like to ask the Senator from Florida whether he has any facts disclosing the minimum wages of miners at the present time. My understanding is that approximately $1 an hour is the minimum wage.

Mr. PEPPER. I believe the Senator to be justified in that assumption. I read a little while ago that the wage varied from $40.63 a week, that is gross weekly earnings, for inside trimmers, to as high as $80.48 a week for inside maintenance mechanics. I am having a check made on those figures. For the 18,000 workers employed in strip mines the national straight-time averages ranged from 97 cents an hour for ground men and slate pickets, to $1.64 for power-shovel operators.

Mr. LUCAS. The minimum wage in the mines being $1 an hour, I believe I am correct in saying that if the 7-percent pay-roll tax were added, the labor cost would be raised to $1.07.

Mr. PEPPER. Yes.

Mr. LUCAS. So if 18½ cents were added with respect to the wages which will ultimately be bargained for, the increase would be to $1.25½. The increase would move up in line with the wage being paid to individuals in the mines. So it might go as high, in some instances, as 15 cents or 20 cents.

Mr. PEPPER. Mr. President, I do not want to be placed in the position of saying that there should be a gross pay-roll tax of 7 percent. I do not know what it should be. I believe, however, that if Mr. Lewis had insisted on 7 percent, and management had said that 7 percent was too much, but "we are willing to offer you 3½ percent" and the negotiators had considered the matter seriously, they could perhaps have found a figure upon which they could have agreed through collective bargaining.

Again I say, I do not want to exculpate Mr. Lewis from any degree of fault he may deserve to be assessed with and I think the manner in which he has handled the situation is certainly culpable, because he has not put as much emphasis on the needs of his workers as he appeared to put on the exercise of arbitrary power. But again it may be that the whole story has not been told by the press. I do not know, because I have not sat in on the negotiations, I have not talked with anyone, directly or indirectly, on either side of the controversy. I am merely saying that we here in the Senate should not step in and pass a law which would prescribe who had to administer the fund and how much the fund had to be. I think that there is a legitimate sphere for collective bargaining and that the Senator from Virginia has not made out a case which would justify us in interfering with the free right of collective bargaining by those engaged in the controversy.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from Florida yield to the Senator from Maryland?

Mr. PEPPER. I yield.

Mr. TYDINGS. Assuming for the sake of the argument that the wage is a dollar an hour—and not whether it is a fair wage, but assuming that for the purposes of this discussion—and there were a 7-percent tax on that, that would be 7 cents, and it would still be 11½ cents under the 18½ cents an hour which has pretty well been the general pattern followed throughout the country. As I understand the problem, I think Mr. Lewis' one demand up to now has been for the welfare fund.

Mr. PEPPER. I understood him to make that a condition.

Mr. TYDINGS. I understand from the press—I do not know whether I am reliably informed or not—that before he will discuss wages, he wants to get the welfare fund question settled.

Mr. PEPPER. That is what I understand.

Mr. TYDINGS. Assuming that the welfare fund were settled at 7 percent or 7 cents an hour, to use just a haphazard yardstick, I wonder if then the amount Mr. Lewis would want added to that 7 cents an hour for a welfare fund would be the difference between 18½ cents and 7, or whether the 18½ cents would be superimposed on the 7 cents.

My reason for asking the question is that regardless of the merits—and it may be very just that the whole 18½ cents be superimposed on the 7—labor competition being what it is, I wonder whether or not we would not start off a new train of strikes by men who would feel that having now put one group of labor on this plane, and they not getting as much as they thought they would get, 7 cents an hour should be added to what they now receive.

I am not a negotiator, but so long as this discussion is on the Senate floor, it seems to me at this longer distance, and without knowing all the elements in dispute, if the whole equation were written out, the demands and rejections, we could tell a little more quickly where we are going than we can when we do not know what all the evidence in the case is, upon which we are supposed to pass our judgment.

Mr. PEPPER. The Senator is correct about that, and it is what we have been trying to emphasize from the beginning, namely, that because the country was disturbed, and properly so, about the strikes and work stoppages, the Senate suddenly determines to take the bit in its teeth and enact legislation which will affect the strikes. The Senator from Virginia has an idea that John L. Lewis has been exacting a royalty from the employers, 10 cents a ton, the figure which was mentioned, and he comes forward with an amendment which provides that no employer may pay any sum of money or other thing of value to the representatives of employees, or to any employees. Then some of us, including the Senator from Maryland and several other Senators on the floor, call attention to the sweeping prohibition of the amendment of the Senator from Virginia; and he comes back the next day and modifies the amendment, saying he does not object to the miners having a health fund provided management shall have an equal share in its administration. Of course, he still leaves in many other prohibitions, which the Senator from Montana [Mr. WHEELER] pointed out a few days ago, one of them being that it would prohibit a contribution to a baseball game, for example, or to recreational facilities, and that kind of thing. What the Senator from Virginia was striking at was John L. Lewis' negotiation, to make it illegal to ask a health fund as a condition of exacting an agreement.

We contend the Senator from Virginia has not made out a case to show that in an instance such as this collective bargaining by the free will of the employer and employee should not be followed.

Mr. MURRAY. Mr. President, will the Senator from Florida yield?

Mr. PEPPER. I yield.

Mr. MURRAY. Is it entirely correct to say that the 7 cents would go to the worker in the nature of compensation? Could it be regarded as a part of what he is earning?

Mr. PEPPER. I do not think so.

Mr. MURRAY. My understanding is that mining is a very dangerous industry in which to work, and that health conditions are very bad. The miners have silicosis and many other diseases which result from work in the mines. So the 7 cents is not something that goes to the worker. It is a fund to protect him from disease. He does not get it. If he were working in a factory he would not need the protection he should have when working in a mine. I do not think it is proper to start computing what the mine worker is going to earn and then add the 7 cents which is to go to the health program.

Mr. PEPPER. The Senator is absolutely correct in emphasizing, first, that not a dime of this money will go into the pocket of any worker. He will not be able to buy an extra penny's worth of food, clothing, shelter, or anything else unrelated to illness. The fund would have two salutary effects. First, it would give the mines more effective labor, by preventing illness among the workers due to preventive medicine and to curative medicine which might be administered to the workers in hospitals or otherwise. That is the first thing. It would tend to make the coal miner a more efficient worker, and keep him in the mines more days than he otherwise would be there.

The second result would be to make whole the bodies the mines had hurt, so far as medical science and care could provide for an injury or disability inflicted upon a miner. If a rock should fall, as in the case of the man Burns, from Alabama, whose case I described, who had a rock fall on him and paralyze him, does anyone deny that the mine or the mine system of this country should provide for his care? Either the mines have to do it or the public has to do it, or the poor man has to go uncared for.

Is there anything wrong with adding to the cost of coal the cost to repair breakage to machines and the breakage of human bodies, which occur in the production of coal from the coal mines? That is all this amounts to.

Mr. MURRAY. Mr. President, will the Senator yield further?

Mr. PEPPER. I yield.

Mr. MURRAY. Such a program would also relieve the local communities and States from the burden which would be cast upon them as a result of the injuries and as the result of the conditions of disease surrounding the miners, rendering them unfit to work. The burden falls on the general taxpayer instead of where it should fall, upon the industry that is responsible.

Mr. PEPPER. The Senator is absolutely correct. I was told of a certain State a few days ago—I shall not name the State, because I am not sure my informant was correct—where much coal is produced, and that State does not have a severance tax, that is to say, the company goes down into the earth of the State and takes out this valuable natural resource, coal. It sells the coal in the markets of the country for a profit. Yet if that mine in that community broke a man's back, or deprived him of

a limb, or made him an invalid for the rest of his life, the very community, the very State, which loses that natural resource without compensation, would have to pay for the wreckage the mine operation leaves on the State itself. That is not fair. So I see nothing wrong with the principle of providing a health fund for every industry.

Mr. President, I was about to refer a while ago to the degree of ill health and lack of care prevailing in the United States, and I should like to finish that subject. I pointed out that illness and accidents caused the average industrial worker to lose about 12 days from production a year, representing a loss of about 60,000,000 man-days annually. Sickness and accidents cost the United States at least $8,000,000,000 a year.

When the able Senator from Illinois was talking about how much this fund would be, how much this 7 percent, if that were the figure, would cost, he failed to take into consideration how much illness cost, and that if adequate medical care could be provided we could diminish the cost of illness to the whole of society.

Mr. LUCAS. Will the Senator yield?

Mr. PEPPER. I yield.

Mr. LUCAS. What does the Senator think about the bill for accidents and loss in health and wages, loss in time, loss in property, in the event the parties to the controversy do not reach some sort of an agreement through collective bargaining?

Mr. PEPPER. The loss will continue to fall upon the one who happens to sustain it. The worker sustains it himself if no other plan is provided for meeting it.

Mr. LUCAS. I am going to repeat what I visualize is coming in this country in the way of paralyzing our economy and throttling our industries to the point where nothing will be produced unless these strikes are settled. There will be many accidents and much sickness, and many people will suffer; there will be billions upon billions of dollars of losses upon the other 137,000,000 Americans who live in this country. It is not a one-way street, in view of the crisis which is approaching.

Mr. PEPPER. We all know that, but why not put in the Byrd amendment a prohibition against the mine owners refusing to negotiate on this subject? Why not send them to the penitentiary if they say they will not agree to such a principle as that which has been proposed?

Mr. LUCAS. Let me say to the Senator, on the question of collective bargaining, that one of the things that excited me from the beginning was the failure on the part of Lewis to do any collective bargaining in this coal strike. So far as I have heard, no one on the floor of the Senate or anywhere else has ever attempted to defend Lewis for the days he wasted while the coal supply of the country became smaller and smaller and smaller, never telling the American people or the operators or anyone else about the welfare plan which the Senator now is defending in the Senate. I do not remember the Senator from Florida saying anything about a welfare plan until John L. Lewis laid his proposition before the operators some 5 or 6 days ago.

Mr. PEPPER. Mr. President, again, as I said, I am not defending John L. Lewis, but I think it has been stated in the newspapers from the very beginning that John L. Lewis laid down an ultimatum and said, "Unless you are willing to agree in principle to the welfare and health fund we will not discuss anything else." I think the Senator remembers that in the newspapers.

Mr. LUCAS. I do not want to disagree with the able Senator, but from my information, and I believe it is reliable, for days and days—and I should like to have someone successfully dispute this statement, and I should like to know the truth about it—for days and days the operators of the coal mines and John L. Lewis met, and not a single thing was done. They met, talked about the Bible, talked about literature, talked about the weather, and adjourned without anyone saying what was wanted, and the only individual who could lay down the demands for what he wanted was Lewis who represented the miners who were out on strike. The conferees thought at the time, as I understand, that Lewis was going to talk sometime about wages and about hours, and one day he dropped a hint, after the nineteenth day, that he might talk about a 10 cents per ton royalty for a welfare fund, but at no time did he lay down a proposal until the United States Senate some 2 weeks ago started to discuss the seriousness of the situation throughout the country.

Mr. PEPPER. Mr. President, I do not think what the Senator from Illinois has said is justified by the facts with respect to what occurred in this controversy. It is my understanding that in the beginning of these negotiations Lewis laid down an ultimatum and said, "We will not discuss wages, we will not discuss working conditions until you agree in principle about a health and welfare fund." Management would not agree, and until management agreed to the principle, Lewis would not submit the details.

Mr. President, this is the statement which the mine owners made, I believe, on the 15th day of this month, the day following Lewis' statement which appeared in the New York Times. I read a part of it:

> Third, that it is a matter of public concern and is therefore a problem that should be considered not by this wage conference but by public legislative bodies and then only after a complete and thorough investigation by such legislative bodies of all the problems involved.
>
> This proposal presents to the conference a new social theory and philosophy the effect of which would extend to every industry in America, and as such must be considered and acted upon as a national problem and not as one relating to the coal industry alone, and in the judgment of the committee, we repeat, is one to be considered by public legislative bodies.

Then they go on to say that they will not entertain such a proposal and will not agree to it at all. They do say that they would agree to some kind of a little fund for emergency cases to be administered by the Red Cross. But even on the last day, when it was presented, they were just as adamant as I imagine they were the first day the matter was presented to the conference. If the Senate wants to pass some law on the subject it would be much more consistent with humanity to tell the employers they have got to provide a health fund than it would be for us to deny the employees the right to demand one from management, either employes in the coal mines or in any other industry.

What I am complaining about, however, is that the employer can be as stubborn as he will, and can say, "I will not give you a health fund; I will not give you a welfare fund," and yet if the worker stops working, the whole blame for the work stoppage is placed upon the worker and not on the selfish and stubborn employer who refuses to cut down the amount of his profit, who refuses to be the collecting agent from the public, even though in doing so he saves the lives and the health and the working strength of the working people of his own industry.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TYDINGS. I have no desire to take sides in the controversy as to who makes the most money, or whether the operator makes a profit or not, but the Senator from Florida, I am sure, will be fair enough to admit that whether the increase is 5 cents or 10 cents or 15 cents or 18 cents or 20 cents or 25 cents an hour, the operator is going to make just as much profit after the increased charge is put on the price of coal as he would make if there had been no increase at all put upon it, because he is going to superimpose his profit upon the increased price of his product, which will be reflected in the sales price. If he did not do so he would not open his coal mine. So the operator will be just as well off if he gives the miners a dollar an hour more as he will be if he gives the miners 25 cents an hour more or 15 cents an hour or 10 cents an hour or 5 cents an hour more. The operator is going to make his profit or he is not going to operate his coal mine, and Senators can all count on that. The public is going to pay the bill in any case, no matter what increase may be arrived at.

Mr. PEPPER. The able Senator from Maryland is essentially correct. If he is completely correct, however, I cannot understand why the management is so stubbornly refusing to negotiate this subject, and so adamant in saying it will not yield any kind of a fund that amounts in substance and character to a health fund.

The second thing the Senator from Maryland is probably overlooking is the fact that there might be some detriment to management in this, in that it might put the price of coal, as a competitor to some other kind of fuel, in such a high bracket that it would not be so well able to compete with other kinds of fuels.

Mr. TYDINGS. That situation would not last very long, Mr. President, because no sooner does the price of coal go up because of the establishment of some fund of this sort than the price of oil will go up by reason of the fact that the oil

workers will also want to have the same sort of plan established with respect to them. We saw what has happened in connection with other recent strikes. There was a strike of automobile workers, and they received an increase in wages. Then came the strike of the steel workers. Following that came the strike of the farm-machinery employees, as a result of which farmers cannot get the machinery necessary for the operations on their farms. Then came the coal strike, and now we have the threatened railroad strike, and we will not be through until all workers get up on the same plane where those who struck first now are, and then all prices will go up accordingly. At that time we will be relatively at the point from which we started. Everyone receives more pay and everything costs more. All this commotion in the long run will amount to nothing more than a tempest in a teapot so far as the ultimate effect on our economy is concerned; for prices will go up with wages and wages will go up with prices. When all is said and done every worker, from the farm laborer on up, will receive an increase in wage, and all of them will pay more for every pair of shoes they buy, for every automobile, for every ton of coal, for every piece of farm equipment or for every farm implement, and we will have a grand old economic spree, and we will all sober up just about at the point where we were when we started to get drunk.

Mr. PEPPER. Mr. President, I do not think there would be so great an inflationary tendency from a 7-percent payroll tax, even if that were to be the amount distributed in the building of hospitals, in paying doctors, in paying nurses, in providing other facilities, as would result if the same amount of money were given directly to the miner, and he could compete in the purchasing market for consumer goods with a direct increase in wages.

Mr. TYDINGS. There is something to what the Senator from Florida says. There are often indirect benefits from such increases. But when, either by Government approval or by Government disapproval, or by Government nod or by Government hint, or through a Government negotiator, or however it was, the pattern was set at 18½ cents an hour in the steel strike, only an ostrich would have failed to realize that in the course of time the workers in every other industry would get a similar increase or a series of strikes would sweep the whole country. If the miners receive a 35-cent-an-hour increase the whole thing will start over again, because all other industrial workers will have to be brought up to that level before the side show is closed down.

Mr. PEPPER. But, Mr. President, remember that a great many workers of this country have already gotten health plans and welfare plans, arrived at by voluntary agreement with the management, and they are now in effect. I shall refer to some of those plans a little later. I believe that there would be less inflation and much more good would result if every industry put into effect such a health plan than if such plans were not put into effect.

Mr. LUCAS. Mr. President, will the Senator from Florida yield for one more question, and then I shall not disturb him any more this afternoon?

Mr. PEPPER. I yield.

Mr. LUCAS. The Senator and I were discussing a while ago the question of collective bargaining or the failure of collective bargaining between Lewis and the operators in the early stages of the coal strike. The Senator and I do not quite agree upon the facts. The Senator made a statement that in the beginning Lewis said there was no purpose in presenting his proposition as to a welfare fund so long as the operators did not agree to the principle of it. That was my understanding of what the Senator from Florida said.

Mr. PEPPER. I stated that my understanding—and again I got it only from the newspapers—was that Lewis in the very begining of the conference said, "I will not negotiate upon wages or working conditions or other conditions of the contract until you first agree to the principle of a health and welfare fund."

Mr. LUCAS. That is the way I understood the Senator. I wonder why, if that was the position of Lewis, he finally did lay down the terms, even though the operators did not agree to the proposal in principle? If he could have done it some 30 days after the coal strike started, he could have done it long before that. That is my basic dispute with John Lewis; for he knew better than any single individual in America the effect a failure to lay down his terms would have on our national economy.

Mr. PEPPER. Mr. President, again I say that it does not make the slightest difference to me whether the Senator from Illinois or any other Senator likes or dislikes Mr. John L. Lewis. I have had no contact, direct or indirect, with Mr. John L. Lewis. His statement which I quoted in the Senate I obtained from the New York Times. I have had no more contact with him than I have had with management. The statement of management which I read I obtained from the New York Times.

I am not defending John L. Lewis, except to say that so far as I know, probably if management had been a little yielding, perhaps Mr. Lewis would have been a little more yielding. Perhaps he is not altogether at fault. I do not know. But I am saying that we should not adopt the Byrd amendment, which would take this protection from the 200,000 who already have it. It would deny to William Green, Phil Murray, or John Smith, as the representative of organized or unorganized workers in this country, the right to make a health fund a condition precedent to executing a contract. That is all I am saying. The Senator from Virginia has shown no reason why we should adopt his amendment. If John L. Lewis wishes to be stubborn, he does not have to confine himself to this one excuse to be stubborn. The railway workers have threatened to go on strike. There is no health fund involved in that case. They were disputing over wages. John L. Lewis could have struck over a wage dispute as well as over a health fund dispute.

Yet how unbecoming it is in the United States Senate to give serious consideration to a proposal by a Senator which would say to the workers, "You may not insist upon a health-and-welfare fund from your employer." I say that the passage of the Byrd amendment would not send the miners back into the mines; and no Senator would so assert. The Byrd amendment would hamstring labor and provoke angry remonstrance from them. It would tend to create more strikes rather than fewer strikes. It would make labor less yielding rather than more yielding, more stubborn rather than less stubborn. What good would it do, except to show labor that the United States is against them, and make them feel that they must fight it out with their own strength?

I do not want this statement to be misunderstood, but I can imagine this Congress bringing about such a state of mind among the working people of this country that we shall begin to have sympatheic strikes. The workers evidently feel very deeply. Last night I heard a railway employee speak with deep determination about the railway strike. We do not understand their point of view because we are not familiar with the conditions. We lead a different life from the life they lead. But they feel very deeply concerned. They feel that they have been abused, that they have not been considered. They feel that their rights have been ignored, and that they have been temporized with by those who took advantage of the cooling-off period in the railway labor dispute to keep them working under burdensome wage-and-hour conditions. Therefore they have determined to go to the extreme of striking.

When we are dealing with men who have such deep convictions about something as close to them as their jobs, we have a problem in psychology as well as a problem in economics. All the Byrd amendment would do would be to make the psychological impasse greater and worse than it otherwise would be, whereas if we were not to adopt these restrictive amendments, but were to pass the bill which the committee reported, providing strengthened machinery for arbitration, mediation, and conciliation, my opinion is that we would work ourselves out of these strikes, and in a little while we would be back nearer to normal. After a while the country would begin to attain a momentum in production which would be a magnificent spectacle for us all. But if we enact this restrictive, punitive, antilabor legislation, all we shall be doing will be to embitter those men. We shall give arbitrary leaders more power. We shall make the situation worse than it is. That is what I am pleading with my colleagues not to do.

Everyone knows that the Byrd amendment would not send the miners back to work. It would not prevent the railway workers from striking. It would not do anything but embitter the workers and make them feel that we had turned our faces against them by preventing them

from obtaining a welfare fund to be administered by their own confreres, who have sympathy for the needs of the workers.

Mr. MURRAY. Mr. President, will the Senator yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Florida yield to the Senator from Montana?

Mr. PEPPER. I yield.

Mr. MURRAY. Reverting to the discussion which was taking place a few moments ago, when we were speaking about increases in wages in various industries such as the automobile industry, the steelworkers, and so forth, is it not a fact that all those conditions were the result of the war? The war had totally changed the economic and social conditions of the country. The cost of living had gone up to such a degree that it would be wrong to expect those workers to continue at the wages they were receiving, in view of the high cost of living which ensued.

Mr. PEPPER. The Senator is absolutely correct. I should like to ask this question: How many Senators who are sponsoring these restrictive amendments have done all they could to make OPA a success? How many Senators sponsoring these restrictive amendments have supported appropriations to make it possible for the OPA to enforce the law? Before the able Senator from Minnesota [Mr. BALL] leaves the Chamber, let me invite his attention respectfully to his statement of a few days ago, which I saw reported in the press, that the OPA was the biggest group of Fascists in the United States. The able Senator from Minnesota is one of the sponsors of these restrictive amendments. The able Senator did not seem sympathetic to the OPA. I do not know about the Senator from Virginia [Mr. BYRD]. I do not know whether he has supported the OPA all the way through or not.

Mr. BALL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. BALL. When the OPA extension bill comes before the Senate I expect to discuss it fully. I think I can put up a very good argument for the statement which I made, which was substantiated by the further statement that most of the OPA officials do not seem to believe in a free economy or the American system. I think I can prove that statement by a number of instances. However, I believe we should discuss that question when the OPA extension bill is before the Senate, rather than at this time. The administration itself wrecked any chance of effective price control when it deliberately pushed wages up 15 or 20 percent.

Mr. PEPPER. Yes; and the Senator from Minnesota is overlooking the fact that the cost of living went up before wages went up. The working men and women were not responsible. All OPA and the administration did was to allow wages to catch up, approximately, with the already increased cost of living.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. TAFT. The Senator may have heard Mr. Bowles' testimony before the committee last month. He testified that the average increase in wages per hour since 1941 was 62 percent, as compared with a 34-percent increase in the cost of living, before the recent large increase in wages was sanctioned by the administration. So the claim that the cost of living had gone up before wages went up is not substantiated by Mr. Bowles' own testimony before the Committee on Banking and Currency.

Mr. PEPPER. I did not hear that testimony, but I have talked with workers. I have had them submit their budgets to a committee over which I was presiding, or when I was present, and I have heard them tell the story as to what actually happened to their cost of living. The housewife knows more about the increase in the cost of living than do the statisticians, because she is the one who must buy the needs of her family.

What I started to say was that because we have not given OPA sufficient personnel, because we have not supported OPA, because we have let prices rise, then when the worker complains that he must have a larger wage we blame the worker and say that he is trying to break the economy when he demands a wage which will compensate him for the increased cost of living. Ninety-nine times out of a hundred it is not the fault of the workers. It is the fault of the Government in permitting the black market to flourish. Much of the fault lies with Congress, and part of it with the Senate, which, as I remember, reduced the amount of money available to OPA so severely that it could not possibly enforce the OPA regulations against a black market which is spreading all over the country.

So when the worker has a disability he is entitled to have some over-all consideration given to the reason which forces him to the position which he takes.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. ELLENDER. Has the distinguished Senator stated what effect the recent increases in wages of 18½ cents an hour have had on the increased cost of living? The Senator will remember that President Truman stated that it was possible to raise wages considerably without at the same time raising commodity prices. But as the Senator knows, that has not come to pass. Take the steel situation. Because of the wage increase in steel, as I understand, there has been a 10-percent increase in the cost of steel to the manufacturers, and yesterday a 4- or 5-percent increase in automobile prices was announced. Does not the Senator know that an increase in the cost of basic commodities is bound to be reflected in the price of every commodity that is manufactured?

Mr. PEPPER. Not necessarily so, at all.

Mr. ELLENDER. The Senator agrees with Mr. Bowles, I guess—that wages can be increased more and more without at the same time making a compensating increase in the cost of the products.

Mr. PEPPER. No, Mr. President; Mr. Bowles has never contended, nor do I, that wages can be increased without any limit and a relative increase in the cost of living not be expected. On the contrary, there is some relationship, but there is nothing like the same ratio of increase. Of course, we spend our money for different things. For example, I think experience has proved that because a steel worker receives 18½ cents more wages an hour, that does not mean that immediately he will have to pay 18½ cents more for everything he buys in the stores. The relationship simply does not work out in that way.

For example, we continue to keep down house rents. We continue to keep down the prices of the various things he buys. We do not let them rise, except here and there and over there, when a case is made for an individual commodity. But it takes time for the increases in wages to reflect themselves in the prices of the things the workers have to buy.

Mr. ELLENDER. Mr. President, as the Senator knows, when we held hearings on the minimum-wage bill the plea was made that wages could be increased without necessarily increasing the cost of the commodities. But there is one thing that Mr. Philip Murray, as well as Mr. Reuther, overlooked. Those gentlemen stated, in effect, that because enormous profits were made from 1941 until 1945, industry had a kind of backlog whereby it could increase wages without at the same time increasing the prices of commodities. But they have overlooked, as I see it, that back in 1939 and 1940 productivity kept up with wages.

At that time it was possible for a manufacturer not only to increase wages but at the same time to decrease the cost of the things he sold. The reason for that condition was that productivity kept up with the wage scales. But after the war, when many of the industries had to return to civilian production, they began with productivity much lower than it was before the war, but with a 52-percent increase in wages.

I should like to ask the Senator from Florida how it is possible for goods which were manufactured in 1941, when productivity kept up with wages, to be sold today at almost the same price at which they were available in 1941, although a 52½-percent increase has occurred in the wage structure? I should like to have the Senator from Florida or any other Senator answer that question.

Mr. PEPPER. Mr. President, the Senator from Louisiana has made a study of this subject, and I know he is very conscientious in his views about it. All I wish to say is to repeat what I said a minute ago, namely, that the policy of the administration was not to allow a break in the line, but to allow what was called a bulge in the line. The policy was to allow a wage increase only when it could be justified—to allow a steel increase when it could be justified, to allow a lumber increase when it could be justified, to allow a food increase when it could be justified. In other words, the relief which the Government could give was confined to the individual cases in which justification could be shown for the relief sought, and the policy was to worry along with it, taking care of the emergencies when they became acute, until eventually the volumes of supply and demand should come into some kind

of relationship one with the other. I think that policy is as good a policy as any the Government could have adopted. I am not any special defender of it, but I have yet to hear anyone propose a better policy than the one the Government is following.

I did not intend to enter into a detailed discussion of the OPA, except to say that a while ago the able Senator from Minnesota said he could prove that the OPA people were Fascist in their sentiments because they did not believe in freedom of enterprise. Yet the Senator from Minnesota is one of the most vigorous and strenuous advocates of restricting enterprise in America, if the enterprise happens to be the working strength of American working men and women. Oh, Mr. President, he does not become a liberal then. No; then he is in favor of restrictive legislation—when the victim of his legislative wrath is the workingman's back. But if we start to curb an employer, he says that is a totalitarian policy. He says that the employer must have freedom of action, and must not be interfered with. That is what he calls the private economy.

Mr. President, I have never forgotten the moving words of one of the great men in the history of the United States, William Jennings Bryan, who said in substance that the definition of "businessman" has been made too narrow; that the man who goes down into the mines or the man who goes up on the mountain tops or the man who goes out in the morning and toils all day in the field, the man who goes out in the spring and labors during all the summer, is as much a businessman as the man who sits on the board of trade and bets on the price of grain, and that these laborers have their capital in the capital of human strength. Mr. President, that capital, too, is entitled to the benefit of the same principles of freedom which Senators would give to other kinds of capital which may happen to be represented by money.

No, Mr. President; the liberals who become liberal in respect to not interfering with the freedom of action of management, but become totalitarian when they are dealing with labor, are not consistent. If I err, Mr. President, I prefer to err on the side of protecting human rights, rather than on the side of protecting somebody's dollars or somebody's profits or even somebody's business. Mr. President, if we could ever get the Congress to be as sensitive to the appeals of humanity as it is to the call of money and property, we would have a better America and a safer world.

Mr. President, last year the President of the United States recommended to Congress a 21-point program. Check back over the records and see how much of that program which has to do with the betterment of human rights and human conditions and human welfare in this country has been enacted.

So, Mr. President, now we have a series of amendments which are being proposed by various Senators—the Senator from Virginia, the Senator from Ohio, the Senator from Minnesota, and many other Senators. They are proposing to circumscribe and to limit the rights of workers in their collective bargaining. But not a single restraint do they propose to put upon management in its freedom in collective bargaining. They talk about correlative responsibility of capital and labor.

Mr. President, we who try to be the friends of labor have no objection to correlative responsibility for management and labor. But let us make it correlative. Let us put the burdens upon one in the same ratio as we put them upon the other. If we are going to say to John L. Lewis or to anyone else, "You cannot make a health fund a condition of making a contract," then let us say to management, "You cannot deny a health fund to your workers out of stubbornness, blindness, or prejudice"—nor, need I add, "out of avarice."

Mr. President, a little while ago I was reading something about the plight which some of the people of the United States suffer because they have not had adequate health care. I continue to read:

> Preventive services are inadequate—40 percent of our counties do not have even a full-time local public health officer. Sanitation needs are great—846,000 rural homes do not have so much as even an outdoor privy.

Mr. President, I am reading from a proposed report of a subcommittee on health and education, of the Senate Committee on Education and Labor. I have the honor to be chairman of the subcommittee. I read further from the proposed report:

> Hospitals are needed—40 percent of our counties, with an aggregate population of 15,000,000, do not have a single recognized general hospital. Doctor shortages are severe—in 1944, 553 counties had less than 1 active physician per 3,000 population, the "danger line," and 81 had no active doctor at all. Even in 1940, before many doctors were drawn off to war, 309 counties had less than 1 active physician for every 3,000 people, and 37 had no active doctor at all. Maternal and child-health services are inadequate—it is estimated that half the maternal and a third of the infant deaths could be prevented if known measures were fully applied.

Mr. President, if you were to tell a Senator of the United States that he was guilty of causing the death of a mother or a child, he probably would strike you down in remonstrance. Yet by withholding the care that would have saved their lives, do not we have a measure of responsibility in regard to what has happened to them? If we do not provide it by way of public health, the way the mine owners say it should be provided, then how are we to obtain it, unless by the way the miners themselves propose—namely, by means of collective bargaining?

Yet the Senator from Virginia wishes to paralyze the arm of administering it the way the workers say it should be administered, namely, by the workers.

I read further from the proposed report:

> Seventy-five percent of our rural counties have no prenatal or well-baby clinics at all under the supervision of State health departments. State agencies had 15,000 children on their lists awaiting crippled children's care in early 1944.

Has the Senator from Virginia ever proposed an adequate health bill in the Senate? Has he ever advocated the passage of the Wagner-Murray-Dingell bill or any measure comparable to it? Has he any other method by which the health of the workers of the United States is to be cared for? Does he suggest that it be cared for by means of any proposal of his?

I read further from the proposed report:

> They do not even pretend to care for the half-million children with rheumatic fever (the most killing of all diseases for children between ages 5 and 15)—

Think of that, Mr. President! In this country of ours, today, half a million children with rheumatic fever could not even find hospitalization and medical care—

> or for the tens of thousands of cerebral palsy ("spastic paralysis") victims.

Mr. President, because the Government has not provided such care, the employees, and, in many instances, favorably disposed employers, have been making a beginning in this field. Our report, on page 8, shows that in this country during 1945, 212,590 persons were eligible for health and care under plans financed entirely by employers. Those plans provided many different kinds of benefits such as hospital, medical, and home nursing service. There were 546,772 persons eligible for health care under plans financed jointly by employer and employee, and 752,786 under plans financed altogether by employees. That makes a total of approximately 1,500,000 workers who are covered at the present time by industrial health plans which were worked out through collective bargaining between employers and employees. Approximately one-third of those persons have plans administered exclusively by the employees themselves. Yet, the Senator from Virginia would want to make them illegal.

Mr. President, I am not only proposing to amend the amendment of the Senator from Virginia, but I have a substitute for it which was read earlier in the day by the clerk. I wish to read it again. At the proper place in the bill it is proposed to insert the following:

> SEC. —. (a) It is hereby declared to be the policy of Congress to encourage and facilitate the establishment and maintenance of approved plans within industry for providing hospital, medical, and home nursing care and services, insurance, vocational rehabilitation, and other benefits for employees in activities affecting commerce and for their families and dependents, and to encourage the support of such plans by employers, whether such plans are administered by employers and employees jointly or solely by employers or solely by employees or otherwise. No provision of this or any other act shall be deemed to prohibit such plans or to prohibit employers from contributing to the support of such plans, except in any case where such support constitutes an unfair labor practice under the National Labor Relations Act. The failure or refusal of an employer in an activity affecting commerce to bargain collectively concerning the establishment or maintenance of such a plan shall be deemed to be an unfair labor practice for the purposes of the National Labor Relations Act.

(b) As used in this section, the term "approved plan" means a plan which has been approved, or which is to take effect only upon its approval, by the Surgeon General of the United States insofar as such plan provides for hospital, medical, and home nursing care and services, and by the Secretary of Labor insofar as such plan provides other benefits. The Surgeon General and the Secretary of Labor shall approve any plan submitted to them for the purposes of this section if they find that such plan is a bona fide plan for providing benefits for employees and that a fair and equitable method of administering such plan is provided.

Mr. President, it is now approaching the hour of 5 o'clock. Only a few Senators are present on the floor, and I assume that we are not ready to vote on the amendment this afternoon. However, I shall be glad to have a vote taken on it at any time tomorrow after I have taken a few minutes to explain it, and when a quorum has been developed. With the hope that I may have an opportunity to explain my amendment, which I expect to be able to do in a relatively short period of time tomorrow, when we convene, and when I shall insist upon a quorum being present even though I have to have the roll called repeatedly in order to develop a quorum, I ask unanimous consent that I may discontinue my remarks at the present time, and resume them tomorrow, with the understanding that in all events I shall not consume more than an hour, and possibly not more than half or three-quarters of that time in a presentation to the Senate of my own amendment.

Mr. KNOWLAND. Mr. President, I wonder if the Senator will yield in order that I may make a unanimous-consent request.

I ask unanimous consent, that starting tomorrow each Member be limited in his discussion to 1 hour on each amendment to the pending bill and to 1 hour on the bill itself. There are approximately six or seven amendments to the pending bill. If my unanimous-consent request were granted, it would mean that each Senator would be allowed at least 6 or 7 hours to discuss the amendments. If we do not agree upon placing a limitation on further consideration of this measure a great deal of public business will suffer, because we are certainly going to continue to remain here and deal with this proposed legislation until it has been finally acted upon. As the Senator from Florida knows, there is on the calendar the selective service measure, the OPA extension measure, and much other proposed legislation, all of which is vitally important to the American people. We have now consumed approximately a week, and have not yet reached a vote on a single amendment to the pending bill. At that rate I am very much afraid that we shall soon face some additional deadlines, and that other important legislation will suffer.

Mr. PEPPER. Mr. President, I quite understand the feeling which the able Senator from California has expressed. The majority leader is not present. There are many other Senators who are not present who have expressed a desire to address the Senate on the pending subject. This is only the first day of the second week which the Senate has consumed in considering the matter. Interruptions were allowed to our consideration of the measure last week, and I hope the Senator from California will not urge his request. Because of the absence of the majority leader and other Senators, I do not believe we have yet approached the time when we can agree to the unanimous-consent request which the Senator from California has made. As I have already indicated, I wish to make progress. When other Senators have returned to the Chamber, and have an opportunity to speak for themselves, it may be that some form of an agreement can be worked out so that some limitation of time may be placed upon the debate on the pending measure.

Mr. KNOWLAND. Mr. President, I felt that I should make my request because of the important public business which is now on the calendar. The pending bill is one of the most vital issues before the American people at the present time. Of course, the distinguished Senator from Florida has a perfect right to do whatever he wants to do, but I repeat my request that there be a limitation agreed to in accordance with what I have suggested.

Mr. PEPPER. Mr. President, I must object to the unanimous-consent request of the Senator from California.

The ACTING PRESIDENT pro tempore. Objection is heard to the unanimous-consent request of the Senator from California.

Is there objection to the unanimous-consent request of the Senator from Florida?

Mr. WHITE. Mr. President, will the Senator repeat his request so that we can understand it?

Mr. PEPPER. There is now before the Senate a substitute amendment to the amendment offered by the Senator from Virginia. The substitute amendment has been offered in behalf of myself, the Senator from Montana [Mr. MURRAY], and the Senator from Oregon [Mr. MORSE.] I ask unanimous consent that I may retain the floor tomorrow upon the convening of the Senate for a brief presentation of my substitute amendment, with the understanding that I shall not in any event consume more than an hour and probably not nearly so long. So far as I am concerned, personally, I shall be ready to vote on the amendment, although I cannot speak for other Senators. We have had a very sparse attendance in the Chamber this afternoon, but I do not wish to leave the floor without explaining the amendment offered by me which is in the nature of a substitute for the amendment of the Senator from Virginia.

Mr. WHITE. If the Senator from Florida would not talk more than an hour in any event, could we not now proceed and vote on the substitute later this afternoon?

Mr. PEPPER. It would necessitate the developing of a quorum, because I want Senators present in order to know what the substitute is about. I should be compelled to ask for a quorum, and insist upon it at a time which is generally regarded as the end of the day.

Mr. WHITE. If we were to yield to the Senator's request in respect to his own time, could we have some agreement as to the time at which a vote would be taken on the Byrd amendment?

Mr. PEPPER. I would rather not agree except to a vote on the substitute.

Mr. WHITE. The Senator is asking that the Senate first vote on his amendment as a substitute for the Byrd amendment.

Mr. PEPPER. Yes.

Mr. WHITE. If we agree at the end of an hour that a vote may be taken on the substitute would the Senator be willing to agree that by the end of the following hour a vote could be taken on the Byrd amendment?

Mr. PEPPER. No; I do not know, Mr. President, what other Senators may wish to say with regard to the substitute. I should like to have a chance, with a quorum of the Senate being present, to say something in behalf of the substitute.

Mr. BALL. Mr. President, the Senator from Florida held the floor last week for 3 days in discussing the pending bill. He has held the floor since shortly after 2 o'clock this afternoon, and I object to his unanimous-consent request.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. PEPPER. Very well, Mr. President. I have no regrets whatever that the request has been denied me. In that case, I shall seek the floor when I can obtain it, and every Member will have an equal right.

I now relinquish the floor, but I give notice that I shall seek the floor again before a vote is taken on the substitute amendment.

Mr. BALL. Mr. President, am I correct in my understanding of the parliamentary situation, that an amendment to the pending Byrd amendment is in order?

The ACTING PRESIDENT pro tempore. The Chair is of the opinion that an amendment to the Byrd amendment is in order.

Mr. BALL. As I understand, under the rules the Pepper amendment is offered as a substitute for the Byrd amendment.

The ACTING PRESIDENT pro tempore. The Chair is so treating it, and if so, the Byrd amendment may be perfected. That is the judgment of the present occupant of the chair.

Mr. PEPPER. What is the question?

The ACTING PRESIDENT pro tempore. The question is whether the Byrd amendment, the pending amendment, may be perfected before the vote upon the amendment offered by the Senator from Florida, which the Chair understands to be in the nature of a substitute.

Mr. PEPPER. It is in the nature of a substitute; that is correct.

The ACTING PRESIDENT pro tempore. Then, in the opinion of the Chair, the Byrd amendment may be perfected.

Mr. BALL. In behalf of myself and the Senator from Ohio [Mr. TAFT] I wish to offer an amendment to the pending Byrd amendment.

Mr. TYDINGS. May we have the proposed amendment read, so that we can make corrections on our copies of the

Byrd amendment and take it home tonight?

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. In the amendment offered by Mr. BYRD, it is proposed to strike out clause (3) after the semicolon in line 12 on page 2 and insert:

Or (3) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents), provided

(A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, or life insurance, disability and sickness insurance, or accident insurance; and

(B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, such agreement to contain a provision that in the event the employer and employee groups deadlock on the administration of such fund, the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the trust fund has its principal office; and

(C) such payments meet the requirements for deduction by the employer under section 23 (a) or section 23 (p) of the Internal Revenue Code.

And on page 4, at the end of the amendment, it is proposed to insert the following subsection:

(g) This section shall not apply to any contract in force on May 15, 1946, during the life of such contract.

The ACTING PRESIDENT pro tempore. The amendment will be printed and lie on the table.

Mr. BYRD. Mr. President, I wish to accept the amendment as a modification.

The ACTING PRESIDENT pro tempore. The Senator from Virginia accepts the amendment offered by the Senator from Minnesota as a modification of his amendment.

Mr. BARKLEY. Notwithstanding that, Mr. President, in order that Senators may understand it, I think it should be printed.

Mr. BYRD. I was about to make that request. There is another small modification, on line 11, page 2, after the word "other", to insert "membership." I then ask that the amendment as modified be printed in full.

The ACTING PRESIDENT pro tempore. The amendment of the Senator from Virginia as modified will be printed for the information of the Senate.

Mr. PEPPER. Mr. President, the able Senator from Maryland requested certain information of the Senator from Florida a short time ago, as to what would be the effect of the collection of the 7 percent if the demand were allowed. I now have the figures from what I believe to be a reliable source.

The total 1944 wages to the coal-production workers in the United States amounted to $920,608,000, or $1.49 per ton of coal mined.

Total value of coal at the mine, 1944, $1,810,901,000, or $2.92 per ton of coal.

Ratio of wages to value of coal produced in 1944, 51 percent.

Effect of 7-percent pay-roll tax upon the value of coal would be approximately 10 cents a ton.

Mr. TYDINGS. At the mine?

Mr. PEPPER. At the mine.

Mr. BALL. Mr. President, I wonder if the majority leader could give us an indication of whether we may start this week having night sessions in an effort to dispose of the pending legislation, if possible, by the end of the week.

Mr. BARKLEY. Mr. President, I am not in a position to make a categorical answer, except to this extent, that I would not attempt to have a night session earlier than Wednesday night of this week. I am not saying I shall ask the Senate to meet in the evening on Wednesday, but I can say definitely that I would not ask it to meet at night earlier than Wednesday. I hope to be able tomorrow to secure some limitation of debate on the bill and amendments thereto, which might facilitate an early vote, or a vote this week. It is my hope that we may conclude the consideration of the bill this week in order that we may take up the draft legislation, and I think by next week the Senate Committee on Banking and Currency will have concluded its deliberations on the bill known in some quarters as the "O. P. and A.," so that we may be ready to consider it at a very early date.

I should not like to say we will attempt to hold a night session even on Wednesday night, but I do feel we cannot attempt it earlier than that. If I can get a limitation of debate on the bill and amendments, the necessity for night sessions may be obviated.

Mr. BALL. Would it be safe to assume that the majority leader would not oppose too vigorously a request from this side that we have night sessions beginning Wednesday?

Mr. BARKLEY. I am not opposed to night sessions when the Senate wants them, but, frankly, I wish to say to the Senator that I do not want to see an attempt at holding a night session and then not be able to have one.

Mr. BALL. I agree.

Mr. PEPPER. Mr. President, I wondered if the able Senator were proposing that from now on through the remainder of the session we have night sessions so that we could dispose of all the business on the calendar.

Mr. BARKLEY. No; I am not making such a proposal. The Senator from Minnesota asked me if I was contemplating night sessions this week.

Mr. PEPPER. I was wondering whether the Senator from Minnesota was contemplating that we have night sessions right on from now to the end of the session.

Mr. BARKLEY. I cannot tell what the Senator from Minnesota was contemplating. I can only answer the question he asked me. Of course, it would be impossible, as every Senator knows, to arrange now for night sessions during the rest of this session to consider bills on the calendar. We have to take each bill as it comes up. We cannot make a blanket rule with respect to all bills on the calendar. As I stated a few days ago, there may be some of them which will not be taken up at all, and it obviously would be impossible to make any rule with regard to all the bills on the calendar. Each bill will have to take its own course when it is taken up. But I hope we can dispose of the pending bill this week. As I have already advised the Senator from Florida earlier in the day, as well as other Senators, it is my purpose to try to secure unanimous consent for a limitation of debate on the whole bill and all amendments thereto tomorrow. Whether I can obtain consent is another question.

Mr. McCARRAN. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McCARRAN. I wonder if following this bill, if and when it is concluded, we can have any assurance that we will take up the bill which has been a long time pending on the calendar, reported from the Committee on the Judiciary, known as the anti-poll-tax bill?

Mr. BARKLEY. I want to be perfectly frank about that matter. We all know that the anti-poll-tax bill involves an indefinite filibuster. I do not think that the situation and the juncture of the events in the country would justify the Senate of the United States in entering upon any such procedure at this time. So far as my program is concerned, when the pending bill is disposed of, the draft bill will be taken up, and following the draft bill, the Stabilization Act, which also expires on June 30. So far as I have any control over the legislative program, that is what I plan.

I want to say to the Senator from Nevada in all frankness, and to the country and to anyone else who may be interested, that, with the legislative situation which confronts us, I do not think the Senate of the United States would be justified in entering upon the consideration of any legislation which would involve 3 or 4 weeks of futility in the way of a filibuster. I do not intend to lend myself at this juncture to such a procedure, and I say that in spite of the fact that I am in favor of the anti-poll-tax bill, have voted heretofore to bring it to a vote, and will vote for cloture on it when it is brought up. But I think it would be most unfortunate for the Senate and for the country to inject it when we are considering legislation upon which there is a time limit, which every Senator here understands thoroughly.

Mr. McCARRAN. Mr. President, will the Senator again yield?

Mr. BARKLEY. Yes; I will yield. I will say that I appreciate the Senator's interest in the anti-poll-tax legislation, and it cannot be any greater than mine.

Mr. McCARRAN. Mr. President, I feel duty-bound as chairman of the Committee on the Judiciary to attempt in every way possible, within a reasonable time, to bring that bill up on the floor of the Senate.

Mr. BARKLEY. I appreciate that.

Mr. McCARRAN. I have promised many who are interested in it to attempt to bring it up for consideration.

Mr. BARKLEY. I want to cooperate with the Senator on that score.

Mr. McCARRAN. The only reason I raise the question now is to serve notice to those interested in the bill that it is not dead, and that I shall attempt at such reasonable time as I can find opportunity, to bring it up in the Senate. It is my duty to do so whether I want to or not.

Mr. BARKLEY. I fully appreciate that. I may say that I have received urgent telegrams addressed to me asking me to try to bring up H. R. 7, the anti-poll tax bill, even to set aside the pending legislation in order to do so. I think we all understand the situation here, and I think we all understand what will happen if and when the anti-poll-tax measure is brought up. Much as I am interested in that proposed legislation, there is no time limit running against it, and I think the Senate would pursue a course which would not meet with the approval of the country at this time, in view of the time limitations on the draft and on the stabilization program, in addition to the legislation we now have before us, if we were to attempt to indulge in what we may reasonably expect to be a long-drawn-out, if not a futile, effort.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WHITE. I am very glad that the Senator from Kentucky has made the statement which has just come from him. I think there are three pieces of legislation which the country looks on as of supreme importance, and all the other pieces of legislation which are talked about are relatively of less importance. I think we should confine ourselves to the pending labor legislation until it is disposed of, either by passage or by defeat or by withdrawal. I think next we should take up either the draft bill or the OPA bill. Those two pieces of legislation should follow, and we should dispose of them before the attention of the Senate is diverted to other, and, as I believe, measures of less importance. I am glad the Senator from Kentucky has made his statement. I completely concur in what he has said.

Mr. BARKLEY. I thank the Senator from Maine. We all understand the situation here with respect to pending legislation. We know the difficulties involved, and they are without regard to our own viewpoint in reference to this legislation, our own anxiety to get finally behind us the conclusion of legislation in which many of our people are interested, but we have a peculiar situation confronting the Senate at this time which we cannot ignore. I have no purpose to deceive or mislead the Senate or the country with respect to the possibility or the probability of considering legislation in which many people are concerned. That is why I make the frank statement I have made. I thank the Senator from Maine for the statement he just made.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HICKENLOOPER. I have a great deal of sympathy with and am in agreement with the statement made by the Senator from Kentucky and also by the one made by the Senator from Maine. In the absence of the chairman of the Special Committee on Atomic Energy of the Senate, I merely want to keep the record alive that the bill on atomic energy was considered at least a few months ago as one of most intense importance, and as the result of great pressure and long and arduous meetings, the bill has been perfected and has been on the calendar for some time. I know the Senator from Kentucky feels that it is a bill of very vital importance, and I merely call his attention to the fact that as a member of that committee I hope it is not lost sight of in making up the agenda of the Senate.

Mr. BARKLEY. No. I want to assure the Senator from Iowa, as well as all other Senators and other persons who are interested in the measure dealing with atomic energy, that not only is it not forgotten or overlooked, but it is one of the measures which we hope to be able to pass through the Senate early enough so that it may be considered by the House, if in the meantime the House has not acted, so that legislation may be concluded upon that subject before we shall ever attempt to take any adjournment of this session of the Congress.

Mr. HICKENLOOPER. I am sure those are the feelings of the committee which dealt with the subject.

Mr. BARKLEY. I feel very definitely that we ought to devote ourselves to legislation that can be enacted, or legislation which has a fair chance of being enacted.

Mr. HICKENLOOPER. I hope the Senator does not feel that I am critical of his statement.

Mr. BARKLEY. Not at all.

Mr. HICKENLOOPER. I am only keeping the record straight as to the importance of the atomic energy measure.

Mr. BARKLEY. I am glad the Senator called attention to it. The country is greatly interested in it. I frankly say that the atomic energy bill is one of those with respect to which I shall myself insist upon action upon the part of the Senate, and if possible by both branches of the Congress, before this session ends.

Mr. HICKENLOOPER. I do not want to be understood as urging action on the atomic energy bill prior to the two or three bills the Senator mentioned. I simply wanted to keep the measure alive before the Senate.

Mr. BARKLEY. Yes, I understand that. During the consideration of the pending labor legislation and the draft legislation and the OPA legislation we might find some point where a day or so could be devoted to the consideration of the atomic energy bill, by way of sandwiching it in between this legislation, and disposing of it. But the bill mentioned by the Senator from Nevada is not one that can be sandwiched in between anything, because it is in itself a whole sandwich—meat and bread, exclusively, and it cannot be sandwiched in between anything. We would be lucky if we could sandwich anything else in between it, if we were to take it up.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. PEPPER. In view of the fact that everyone has emphasized that we are in a dilemma in the Senate in trying to dispose of all the bills on the calendar, perhaps we might enter into a unanimous consent agreement that no legislation now upon the calendar shall consume more than 10 days. Would the Senator yield for me to submit a unanimous consent request of that character?

Mr. BARKLEY. Ordinarily I would be glad to yield to the Senator for that purpose, but it is a foregone conclusion that it would be objected to.

Mr. PEPPER. Perhaps the able leader would be willing to direct himself to the junior Senator from Virginia, chairman of the Rules Committee, with the view that the committee report a rule which would provide for a limitation of debate with respect to legislation now upon the Senate calendar. Would the leader undertake to do that?

Mr. BANKHEAD. Mr. President, I call for the regular order.

Mr. BARKLEY. Is there any measure pending before the Rules Committee which would provide for anything like that?

The PRESIDING OFFICER. The regular order has been demanded.

Mr. BYRD. The Senator from Florida submitted an amendment a long time ago, and I offered to have a hearing on it, but I never heard anything from him respecting it, and we have not had a hearing upon it.

Mr. KNOWLAND. Mr. President, will the Senator from Kentucky yield to me so I may ask the Senator from Virginia a question?

Mr. BARKLEY. I yield.

Mr. KNOWLAND. I should like to ask the distinguished and able Senator from Virginia whether a hearing has as yet been held or has been arranged for with respect to a suggested amendment to the rules, which has been proposed by the distinguished Senator from Massachusetts [Mr. SALTONSTALL], attempting at least to make some headway with the matter of bottlenecks in legislation?

Mr. BYRD. I will say to the Senator from California that that measure was introduced 2 or 3 days ago, as I recall. A meeting of the Rules Committee will be held very shortly, and I shall confer with the Senator from Massachusetts and a suitable day and hour will be set for hearing.

Mr. BARKLEY. I hope that in all these matters the Committee on Rules will not overlook the fact that it is supposed to be a functioning committee, and that it will give serious consideration to these various efforts to expedite the transaction of business in the Senate.

Mr. SALTONSTALL. Mr. President, will the Senator yield to me?

Mr. BARKLEY. I yield.

Mr. SALTONSTALL. The Senator from Iowa brought up the question of the Atomic Energy Committee report. May I call the attention of the Senate to the fact that the experiments which are due to take place on July 1 at Bikini Island cannot be held unless another bill on the Senate calendar permitting the use of naval vessels is passed by both branches prior to that time. That bill is also pending on the Senate Calendar.

Mr. BARKLEY. Yes. The Senator from Massachusetts [Mr. WALSH], chairman of the Naval Affairs Committee, has called that bill to my attention, and I have assured him that I shall cooperate to the fullest extent of my ability to obtain action on it. All of which complicates our situation. If the demonstration at Bikini is to be carried out, it is also involved in a time limit, because the bill has to be enacted by both Houses before the atomic bombs can destroy this segment of our Navy.

Mr. HICKENLOOPER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HICKENLOOPER. In the absence of the Senator from New Hampshire [Mr. TOBEY], who usually quotes the classics, let me say that I am not a classicist, but in this particular situation of the majority leader I believe it would be appropriate to quote the remark of Dante when he was walking through the nether regions: "Woe is me! Everywhere I look is hell." [Laughter.]

Mr. BARKLEY. That reminds me of a quotation from Cicero, or from one of the Latin poets—Horace, Ovid, or Terence—in which the following expression was used: "O tempore! O mores! O hell." [Laughter.]

The ACTING PRESIDENT pro tempore. Is it the purpose of the Senator from Kentucky to have an executive session?

Mr. BARKLEY. No. There is no Executive Calendar, except for three treaties, and I do not ask that they be considered at this time.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MCCARRAN, from the Committee on the Judiciary:

John W. Murphy, of Pennsylvania, to be United States district judge for the middle district of Pennsylvania, vice Albert W. Johnson, resigned; and

James T. Gooch, of Arkansas, to be United States attorney for the eastern district of Arkansas, vice Sam Rorex, term expired.

RECESS

Mr. BARKLEY. In the interest of harmony, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, May 21, 1946, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 20 (legislative day of March 5), 1946.

DIPLOMATIC AND FOREIGN SERVICE

Norris S. Haselton, of New Jersey, now a foreign-service officer of class 5 and a secretary in the diplomatic service, to be also a consul of the United States of America.

IN THE NAVY

Admiral John H. Towers, United States Navy, to be an admiral in the Navy, for temporary service, to rank from the 7th day of November 1945.

Admiral DeWitt C. Ramsey, United States Navy, to be an admiral in the Navy, for temporary service, to rank from the 28th day of December 1945.

Vice Adm. Arthur W. Radford, United States Navy, to be a vice admiral in the Navy, for temporary service, to rank from the 28th day of December 1945.

Vice Adm. Forrest P. Sherman, United States Navy, to be a vice admiral in the Navy, for temporary service, to rank from the 28th day of December 1945.

Rear Adm. Lawrence B. Richardson, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 6th day of April 1943.

Rear Adm. Rico Botta, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 30th day of June 1943.

Rear Adm. Leslie C. Stevens, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 3d day of July 1943.

Rear Adm. Clinton E. Braine, Jr., United States Navy, to be a rear admiral in the Navy, for temporary service, to continue while serving as deputy to the Chief of the Material Division, Office of the Assistant Secretary of the Navy, to rank from the 8th day of January 1946.

Rear Adm. Earl E. Stone, United States Navy, to be a rear admiral in the Navy, for temporary service, to continue while serving as chief of naval communications, office of the Chief of Naval Operations, to rank from the 8th day of January 1946.

Rear Adm. William S. Parsons, United States Navy, to be a rear admiral in the Navy, for temporary service, to continue while serving as Assistant Chief of Naval Operations (special weapons), to rank from the 8th day of January 1946.

Rear Adm. Leland P. Lovette, United States Navy, to be a rear admiral in the Navy, for temporary service, to continue while serving as chief of the United States naval mission to Brazil and until reporting for other permanent duty, to rank from the 8th day of January 1946.

Medical Director Joel T. Boone, to be a medical director in the Navy, with the rank of rear admiral, for temporary service, to rank from the 17th day of September 1942.

Medical Director Fredric L. Conklin, to be a medical director in the Navy, with the rank of rear admiral, for temporary service, to rank from the 17th day of September 1942.

Medical Director John P. Owen, to be a medical director in the Navy, with the rank of rear admiral, for temporary service, to rank from the 18th day of September 1942.

Medical Director Thomas C. Anderson, to be a medical director in the Navy, with the rank of rear admiral, for temporary service, to rank from the 18th day of September 1942.

Pay Director Archie A. Antrim, to be a pay director in the Navy, with the rank of rear admiral, for temporary service, to rank from the 15th day of September 1943.

Pay Director Charles W. Fox, to be a pay director in the Navy, with the rank of rear admiral, for temporary service, to rank from the 15th day of September 1943.

The following-named officers to be commodores in the Navy, for temporary service, while serving as indicated, and to continue during any assignment which is commensurate with the rank of commodore, or until reporting for other permanent duty:

Commodore Charlton E. Battle, Jr., United State Navy, while serving as commander, United States naval operating base, Guantanamo Bay, Cuba, to rank from the 13th day of April 1944.

Commodore Paul S. Theiss, United States Navy, while serving as commanding officer, United States naval training station, Newport, R. I., to rank from the 13th day of April 1944.

Commodore Allen G. Quynn, United States Navy, while serving as chief of staff to commander, Eastern Sea Frontier, to rank from the 13th day of April 1944.

Commodore Homer W. Graf, United States Navy, while serving as supervisor, New York Harbor, N. Y., to rank from the 10th day of November 1944.

Commodore Paul F. Lee, United States Navy, while serving as Assistant Director of the Shore Division, Bureau of Ships, to rank from the 12th day of January 1946.

Commodore Thomas G. Peyton, United States Navy, while serving as commandant, United States naval operating base, Guam, to rank from the 12th day of January 1946.

Commodore Myron W. Hutchinson, Jr., United States Navy, while serving as chief of staff to commander, Hawaiian Sea Frontier, to rank from the 12th day of January 1946.

Commodore Charles J. Rend, United States Navy, while serving as Deputy Chief of Naval Intelligence, to rank from the 12th day of January 1946.

Commodore John F. Wegforth, United States Navy, while serving as commander, naval air bases, Thirteenth Naval District, to rank from the 12th day of January 1946.

Commodore Daniel F. Worth, Jr., United State Navy, while serving as deputy commander, Marianas, and chief of staff and aide to commander, Marianas, to rank from the 12th day of January 1946.

Commodore George A. Seitz, United States Navy, while serving as commander, naval air bases, First Naval District, to rank from the 12th day of January 1946.

Commodore Walton W. Smith, United States Navy, while serving as commander, Carrier Division 19, to rank from the 12th day of January 1946.

Commodore Charles R. Jeffs, United States Navy, while serving as commanding officer, United States naval advanced base, Weser River, Germany, to rank from the 12th day of January 1946.

Civil Engineer Henry P. Needham, United States Navy, while serving on the staff of commander, service force, United States Pacific Fleet, to rank from the 12th day of January 1946.